

October 20, 1998

RECEIVED

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Lodi City Clerk
City Hall
221 West Pine
P. O. Box 3006
Lodi, California 95241-1910

ALDO H. REMONTE
CITY CLERK
CITY OF LODI

**RE: APPEAL OF PLANNING COMMISSION DECISION ON USE PERMIT 98-07
(Lodi Memorial Hospital)**

Dear City Clerk:

Please find enclosed our Appeal of Planning Commission Decision on October 14, 1998, regarding the issuance of the above-captioned use permit. As representatives of the Alder Place residents, please do not schedule the City Council hearing between the dates of November 4, and November 6, 1998, given the information that my wife and I will be in Southern California and unable to represent our neighborhood.

I have enclosed herewith copies of the following:

- 1) The correspondence of Tim and Emily Howard dated respectively September 18 and September 23, 1998, reflecting issues submitted to the Planning Commission.
- 2) The traffic analysis of CCS Planning and Engineering dated October 14, 1998, concerning the technical analysis of the proposed Lodi Memorial Hospital driveway on Alder Place.
- 3) A copy of the ALTA survey map of Lodi Community Hospital dated February 1985, and amended in August of 1990. Please note that said ALTA survey map reflects the approval 98 parking spaces on Parcel No. 5 at the Northeast corner of the Lodi Memorial Hospital property.

The Alder Place residents respectfully request that the Lodi City Council reconsider the Lodi Planning Commission's approval of the request by Lodi Memorial Hospital for a parking lot use permit. Aside from the issues raised in the enclosures, the Alder Place residents do not believe that the environmental exemption proposed by staff is appropriate and, as such, that the project violates the California Environmental Quality Act (CEQA) as a result of its failure to mitigate its impacts to the Alder Place residents.

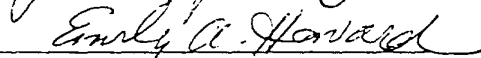
Lodi City Clerk
Page Two
October 28, 1998

At a minimum, the Alder Place residents respectfully request that a traffic study be commissioned by the City to review and respond to the issues raised by CCS Planning and Engineering in their report dated October 14, 1998, as herein above referenced. The City's failure to provide a traffic study and/or to mitigate the proposed project are not consistent with the requirements of State Law and/or CEQA. We respectfully request that the written response to these issues be provided in advance of the anticipated public hearing so that our traffic engineer and the Alder Place residents can review the staff response and proposed findings as required.

Very truly yours,



Tim Howard



Emily Howard

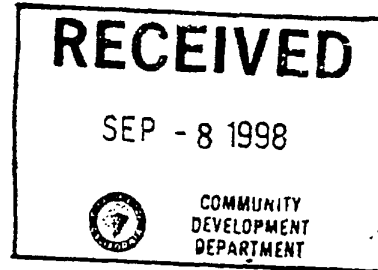
Enclosures

FREDERICK R. KRUEGER D.O.

836 Alder Place
Lodi CA 9522

Community Development Director
P.O. Box 3006
Lodi, CA 95241-1910

3 September 1998



Dear Ladies and Gentlemen,

Recently I became aware of Lodi Memorial Hospital's plans to construct a parking lot along the private road, Alder Place. While I recognize the hospital's need to expand, I am concerned about the two driveways planned to open on to Alder Place.

Currently Alder Place is a private road, which is bordered on its east side by residences. There are at present at least 18 children who play along this road, a number that increases with weekends and holidays. At present, there is only homeowner traffic along this road, with the exceptions of delivery and maintenance trucks which use Alder Place to access the maintenance road that opens at it's north end. I feel that to allow driveways to open on to our road will cause it to become a predominantly commercial thoroughfare. This will adversely affect the safety of the children who live there, as well as the patients and their families who take walks along that road during the day.

It would seem to be a simple matter to allow driveways only on Vine Street, a large street that is better able to handle the increased commercial traffic planned. Such a modification to those plans would allow for the safety of the homeowners and their children in the area, and allow the hospital to increase its parking capacity, a definite "win-win" situation.

As Lodi looks to revamp its general plan to improve the quality of life for its citizens, this would appear a good place to start. Although I will be unable to attend the planning meeting with my neighbors, I do join with them in urging you to consider the safety of our children, and integrity of our neighborhood.

Sincerely,

To Whom it May Concern,

September 18, 1998

By way of introduction, I am Emily Howard, a three year resident of Alder Place and a two year employee with the Rehab Services with Lodi Memorial Hospital West (LMHW). I, therefore, have unique concern regarding the proposed expansion of the LMHW parking lot.

As a Hospital which values "community partnerships and participation in hospital planning" (1) and strives "to improve ...risk management systems, maximize the benefits of ...services to (the) community and limit the institution's and individuals' exposure to adverse events" (2), I appeal to Lodi Memorial Hospital (LMH) to keep all access to LMHW to Vine St. I feel that in doing so, LMH can successfully expand their parking lot so as to increase the access to care at the West offices while still honoring the Hospital's Code - which it highly values.

Your patients frequent Alder Pl., pushed in their wheelchairs by family members or friends. These patients and visitors trust LMH to provide and maintain safe grounds. Alder Pl., 1/2 owned by the hospital and a 1/2 private residential street, currently provides a safe environment. By allowing access to the expanded parking lot from Alder Pl., you are putting your patients and visitors at risk for a serious accident. The increased thoroughfare causes increased traffic which scatters car and pedestrians in varying directions. Cars will be pulling in and backing out of parking spaces along Alder Pl., performing U-turns, rushing over the driveways, and crowding the street and sidewalk forcing your wheelchair patients and visitors to dodge adverse events. This can be controlled by limiting the flow of traffic solely to Vine St.

LMHW draws media attention. Sometimes the media attention is welcomed; and sometimes its presents is a threat to the safety of patients or staff. For everyone's security, staff is instructed to direct all media questions to the East campus, to be handled by our Public Relations Director or other appropriate Director/President. Access off of Alder Pl. would only allow the media further access to the people and activities at LMHW as well as provide them with another escape. This intrusion into the confidentiality of LMH's patients could be prevented if access off of Alder Pl. was eliminated.

Finally, LMHW currently is in a heightened state of security. All access and exit is directed through the main entrance to allow the security guards to make contact with all people, videotape the daily activity of the hospital and monitor the main parking area. I know LMHW is taking every measure to prevent further incidents from occurring that could endanger any of its patients, visitors or employees. I would like to believe that similar action is being proposed at the West doctor's offices, especially with the expansion of pediatric services. Providing access to the parking lot solely from Vine St. maximizes the security of and monitors the people and cars visiting the offices.

Again, I appeal to Lodi Memorial Hospital's Code. By limiting access to LMHW services to Vine St., you show the community of Lodi, the State of California, JCAHO and other review boards your continued pursuit of excellence in quality of care and safety for your customers.

Sincerely,

Emily A. Howard, P.T.A.

Emily A. Howard, P.T.A.

(1) (2) Lodi Memorial Hospital's Value Statement /Quality - Risk Management Goal

September 23, 1998

To the Lodi Planning Commissioners,

This letter is being written to draw your attention to the proposal by Lodi Memorial Hospital to expand their parking lot and build access driveways off of Alder Pl. As residents on Alder Pl. we have extreme concerns regarding the ill effects of access ways on Alder Pl. and are therefore in opposition to such access.

By way of introduction, we are Tim and Emily Howard, three year residents and original occupants of 852 Alder Pl. In selecting a home, location was an important factor in our quest. Alder Pl. immediately appealed to us for the simple reasons that it is not a through street and has only a single entrance and exit. Such an arrangement makes for a safe, quiet and neighborly environment. The addition of two or even one driveway off of Alder Pl. onto the Hospital's property would not only disrupt these appealing qualities of Alder Pl. but threaten the safety of our property and our lives.

A: Traffic: What now is a street free of traffic would become cluttered with cars. This is the primary culprit of destruction for our street and the main reason why, although we are not oppose to the expansion of the Hospital's parking lot, we are adamantly oppose to any access off of Alder Pl. Cars will be driving in and out of the street daily and at all hours of the day and night. Cars will park along both sides of the street, perform U-turns, Y- turns, parallel park and pull into our cur-de-sac to give themselves more room.

Concern = high risk of a traffic accident with subsequent liability on not only the Hospital but the resident's of Alder Pl; no parking for our family or friends who visit.

B: Children: There are over a dozen children living on Alder Pl. Currently, Alder Pl. provides an optimal place for them to play. The lack of traffic allows the children to play in the cul-de-sacs and along Alder Pl. This concern is very relevant for us, not only because we want to ensure the safety of the current children on our street, but because we are trying to start a family

Concern = high risk of a child being hit, seriously injured or killed.

C: Security: Access off of Alder Pl. poses a huge safety risk to our property and lives. People obtaining or providing services to the Hospital currently "hang out" along Vine St. passing the time on their lunch or while they wait for their ride. Access off of Alder Pl. would give these people another place to sit and "hang out" - but this time with a direct view of our home, property, commings and goings. I don't want people hanging out across from my home staring at me, my home and family.

Concern = A potential criminal can not be identified by gender, race, age or socioeconomic background. But, for the people who commit wrong doings, having a busy place to sit and scope out their target only tempts them or provides that opportunity.

D: Garbage: Currently, the residents here put the garbage cans along the curb of Alder Pl. We have chosen to do this because we do not want the garbage trucks in our cul-de-sacs, which are small and make the turning radius for a garbage truck difficult. The placement of cans along Alder Pl. not only makes us happy but makes the garbage company happy ; for it makes their job easier, faster and safer. This is just another example of the pride our owners have for our neighborhood and also the way we continue to better our street while not invading or complicating anyone else.

Concern = The parked cars along Alder Pl. would prevent us from placing our garbage cans along the curb. This would force the garbage trucks into the small cul-de-sacs and narrow the entrance and exit into the cul-de-sacs further increasing the risk of property damage or injury to a person - not just a resident of Alder Pl., but a patient or visitor of the Hospital.

E: Mail: Our mail box is a community style box located at the entrance to Alder Pl. Daily, we walk to the box or pull up beside it as we enter the street.

Concern: = The increased traffic as a result of access off of Alder Pl. would make going to the mail box an unnecessary hazard.

F: Noise: Alder Pl. is a quiet street. The sounds that we do hear are not offensive. They are the sounds of children and pets playing, family and friends visiting and neighbors caring for their yards.

Concern = The addition of multiple car's engines running, doors opening and closing, horns honking, car alarms sounding, radios playing and people calling across the street and over the sound of traffic would be offensive.

G: Lights: We have a beautiful night sky and minimal headlights or glare from cars.

Concern = Cars driving into Alder Pl., pulling out of the proposed driveways and turning around at the end of the street or in the cul-de-sacs will direct headlights into our home, lighting up our main living areas. Car windshields would reflect glare into our home. Our night sky would be compromised.

H: Water drainage: These past years, Lodi and surrounding areas experienced a heightened level of rainfall. Specific to Alder Pl., water backed up to the point where the two small drains could not keep up. The occupying neighbors were helping to clear drains and direct the water.

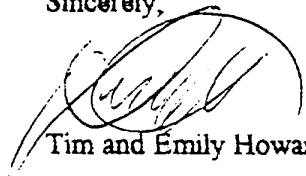
Concern = The proposed lot is several feet higher than the level of Alder Pl. Open access ways would direct water run-off directly onto Alder Pl. and into our cul-de-sacs overburdening the drains and increasing the risk of property flooding. Is the Hospital preparing for water drainage control, specifically as it relates to the flow out of access ways Vs drains within the parking lot?

I: Pets: Many of us own pets, primarily dogs or cats. Currently, we are able to see the family's' pets as they sit in the front yards, walk with their owners to the mail box or unexpectedly run into the street.

Concern = The increased traffic and unexpected turns or cars increases the risk of a pet being injured.

To date, Lodi Memorial Hospital has been a good neighbor. That is why we have taken the responsibility to contact the Hospital, express our great concerns and propose options that are homeostatic for both Lodi Memorial Hospital and the residents of Alder Pl.. We urge the members of the Lodi Planning Commission to hear and honor our concerns regarding access off of Alder Pl. into the Lodi Memorial Hospital West parking lot.

Sincerely,



Emily A. Howard

Tim and Emily Howard

Sept. 26, 1998

To:

Lodi Planning Commission

I think it's pretty sad that the Memorial Hospital would put 14 homes and their families in a predicament where we have to fight for the right to keep our street safe.

I cannot find any reason for the Hospital to use Alder Place to service their needs. Alder Place is a court without through traffic. It puts our children in an unsafe position just to accommodate their need. They have Lower Sacramento Road and Vine to enter and exit. They already have an existing driveway in their original plans that could accommodate their 45 or so parking without the use of Alder Place.

Opening Alder Place to Hospital traffic could very well decrease our property value.

I happen to have a large family who gather at my home, 848 Alder Place, and have several adult grand children who own cars. When we have a gathering - 1/2 of them have to park on

(1)

the street. If the Hospital opens up
Alder Place for their traffic, we ~~to~~
who live here (Alder Place) won't have
parking for our guests and family -
We then would have to park on
Vine.

People are very inconsiderate
today and wouldn't obey any sign
indicating "Private Property".

Thank you
Mrs. Helen Mason
848 Alder Place
Lodi, CA 95242

9/28/98

Planning Commission

Re: Parking lot expansion, driveways on Alder Place

I am a homeowner in Alder place and was very surprised to hear that our private road was being considered to go public. We are opposed to this! As one of the owners of that Private road I am responsible financially for its upkeep. The minimum use the road gets with our group of homeowners is one thing, but to have that use increase by 100 or more cars a day is just not right.

There are lots of children in our community that spend hours outside playing. This is another reason why homes were desired on a private road. As it stands now all the homeowners are very aware of children playing. What happens when all these public cars come in, your increasing the chances of a terrible accident happening. I might add where would the liability fall?

I am aware that a cut out for another driveway already exists on Vine Street. This to me seems the logical choice for another entry point. It gives the hospital what they need without creating hazards, inconvenience, and a possible rise in crime. I say crime because now we are completely walled off from the hospital and its services with solid oleanders. Why would anybody want to put a public drive into a commercial institution from a private residential subdivision when there is already the cut out from a public road. ~~I would think that commercial and residential separation would be a priority to all concerned.~~

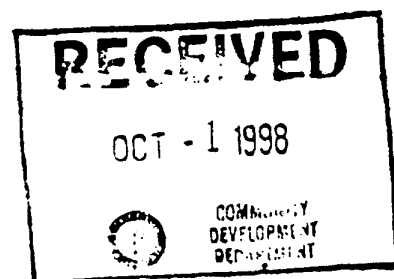
Ever since I have owned at Alder I've been looking forward to having the subdivision sold out in hopes of a joint effort to gate the community. I find with talking to my neighbors that this is a desire we all have. Putting a driveway in from Alder destroys our plans. I will add that in having this public access it would lower all our home values, especially the homes affected by the parking lot lights and car lights that would invade privacy.

In closing I would just say that I bought at Alder Place for the higher quality of living and safety that a culdesac and private road gives and I paid premium price for those amenities. It baffles me to think that the hospital and or city could just strip that away.

Thank you for your time and concern.

Sincerely,

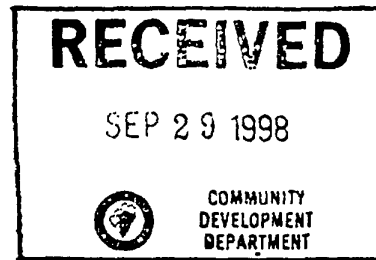
The Chandlers



September 29, 1998

Lodi City Planning Commission
Community Development Director
P. O. Box 3006
Lodi, CA 95241-1910

RE: Lodi Memorial Hospital West
Expansion Project - Parking Lot



Dear Planning Commission Members:

As a resident of Alder Place, I am very concerned about Lodi Memorial Hospital's plans to expand their property bordering Alder Place on the West into a public parking lot. Included in this proposal are two (2) driveways with entry off Alder Place which is a private road. My primary question of these plans is how can the hospital make a private road into a public road without consent of all parties who maintain & care for the maintenance of that road, namely Alder Place Residents in conjunction with Lodi Memorial Hospital. Lodi Memorial Hospital is NOT the sole owner/maintainer of this road. As residents the hospital NEVER contacted us in their planning phase to get our approval, as co-owners/maintainers of this road. I would think that should be a given since they have in the past and would still expect us to share in the maintenance of this road. Sorry, but I still question the logic and the right of the hospital to infringe on our PRIVATE road to access their proposed PUBLIC parking lot.


My next concern is the liability this could bring to Alder Place Residents. Who would be liable in case of personal injury to children who occasionally end up on Alder Place Street riding their bikes or chasing a ball out of the cul-de-sac areas where their homes are located? Certainly, as I see it, ALL and ANY liability should such plans be approved would solely be the hospital's responsibility.

Another concern for me, as a resident of the first cul-de-sac off Alder Place, the first driveway planned to access the public parking lot would be located directly across from my cul-de-sac area where I would have to wait for traffic coming into Alder Place as well as traffic leaving the hospital's driveway going out of Alder Place. Presently, I can count on one hand the number of times traffic has kept me from leaving my cul-de-sac without the concern of numerous other drivers OR pedestrian traffic. This street is private.....it does not impact the residents entry and exit that a public road would and it is much too narrow to handle public access in a safe manner. Also, 24 hour traffic activity with noise and high beam lights, new lighting for the public parking lot and more ambulatory pedestrians would be accessing Alder Place Street and impacting the privacy and safety of the residents now living on Alder Place

In the last sentence of a statement of Lodi Memorial Hospital Goals, under "Our Values", the hospital states ".....anticipating change as an opportunity for continual improvement, and seeking community partnerships and participation in hospital planning". If this is truly in their values they should see that the only resolution to their planning of this project is to change their access to their very own existing driveways, already completed, from Vine Street, a PUBLIC street maintained by the City of Lodi and fully able to meet the needs of maintenance that the hospital would require.

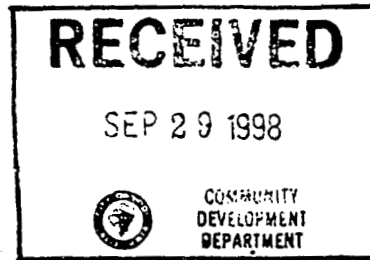
Thank you for your consideration to deny this proposal by Lodi Memorial Hospital.

Sincerely,


Valerie D. Patterson
868 Alder Place
Lodi, CA 95242
(209) 334-0472

September 28, 1998

Lodi City Planning Commission
Community Development Director
P. O. Box 3006
Lodi, CA 95241-1910



RE: Lodi Memorial Hospital West
Expansion Project - Parking Lot

Dear Planning Commission Members:

I am very concerned about the proposed expansion by Lodi Memorial Hospital for a Parking Lot which will border Alder Place Street in Lodi. I am a resident of that private street and share in the maintenance of that street with other residents and Lodi Memorial Hospital.

My major concern with this proposal is the liability issue this will bring to the residents of Alder Place as well as the fact that when I bought into this subdivision I did so with full knowledge that Alder Place was a private street and that I would have to share in the maintenance of this street with other residents and Lodi Memorial Hospital.

I certainly do not want to be responsible for any more liability than I already have with this private street and definitely do not feel that the hospital should have access to their proposed public parking lot from Alder Place. They should be required to utilize the driveways that already exist from Vine Street into their hospital.

I respectfully request that the Planning Commission deny their request to have access from Alder Place into their proposed parking lot.

Sincerely,

A handwritten signature in dark ink, appearing to read "Thomas G. Patterson".

Thomas G. Patterson
868 Alder Place
Lodi, CA 95242
(209) 334-0472

Sept. 2, 1998

Planning Commission

Re: Expansion of Lodi Memorial
Hospital parking

I am disappointed that the Lodi Planning Commission hasn't notified the residents of Alder Place sooner than 3 weeks or less before their hearing.

The hospital's new driveway is located exactly in front of my home. Most of the hospital's traffic will cause serious concerns for the children who play on Alder Place street or just running after a ball should it land in the street from one of the courts on Alder Place.

The night traffic will invade my bedroom with their high beam car lights. Most of the cars seem to have high beams and those high beams would reflect directly into my bedroom.

I am a new resident, and since this notice - I have noticed that

The Hospital has an existing
driveway cut out on Vine - which
if the Hospital would use that
driveway as their new entrance
would eliminate all of our concerns.
Also - where would the liability fall
should someone get hurt if the
driveway were on Alder Place ???

Sincerely,

Mrs. Helen Mason
848 Alder Place
Lodi, C.A.



CCS
PLANNING AND ENGINEERING
INCORPORATED

530 Bercut Drive, Suite B
Sacramento, California 95814-0101
916/441-3804 • Fax 916/441-6594

October 14, 1998

Mr. Tim Howard
852 Alder Place
Lodi, CA 95242

RE: Lodi Memorial Hospital West - Impacts of Proposed Driveway on Alder Place

Dear Mr. Howard:

This letter describes our analysis of the proposed Lodi Memorial Hospital driveway on Alder Place. The following summarizes our findings:

- 1) **The driveway on Alder Place is not needed from a capacity nor circulation standpoint.** We prepared a capacity analysis to determine the adequacy of the two existing driveways on West Vine Street to accommodate traffic associated with the parking lot expansion. Using very conservative assumptions, including that all the new parking would use the eastern West Vine Street driveway, it was found that the driveway would operate at level of Service (LOS) A, indicative of very good operating conditions. Additionally, under this worse case condition, the maximum queue would be only 2-3 vehicles at any time. Adequate circulation within the parking lot for the expansion can be provided by the existing two driveways and the current and proposed parking lot layout.
- 2) **The addition of traffic on Alder Place resulting from the proposed driveway would create a significant traffic impact.** Staff has estimated that 320 additional daily vehicle trips would be added to Alder Place and that the total volumes will be well below the theoretical capacity of Alder Place. From a purely technical viewpoint, we would agree with that conclusion. Impacts must also, however, be interpreted from a neighborhood and quality of life perspective. Even though the volumes are below theoretical capacities of a roadway, the tripling of traffic volumes on a neighborhood residential street will certainly change the character of that street and constitutes a significant traffic impact.
- 3) **Traffic from institutional, office, and retail uses, by design, should be directed to collector and arterial roadways rather than residential cul-de-sacs.** This is a fundamental standard in the planning of land use and circulation systems. West Vine Street is a collector facility designed for the volumes and type of traffic generated by the Hospital. Given that there are no compelling capacity or circulation needs that cannot be met by the existing two driveways on West Vine Street, it is not appropriate to locate a driveway on Alder Place.

The following information in this letter provides support of our conclusions.

Project Description

Lodi Memorial Hospital West is requesting approval of a use permit for expansion of the facility's parking lot east towards Alder Place. Lodi Memorial Hospital West is a campus type facility which, in addition to the hospital which occupies the westernmost portion of the site, includes two medical office buildings and a dialysis center near the western portion of the campus. The hours of operation for the medical offices are weekdays from 8:00 am-5:00 PM, while the hours of operation for the dialysis center are 6:00 am-6:00 PM Monday-Saturday. The maximum number of people within the medical offices and dialysis center at any one time is estimated to be 82 people, of which 30 are employees. The medical offices and dialysis center contain 20 examining rooms and 12 dialysis stations.

The proposed expansion would expand the parking lot at the eastern end of the campus which primarily serves the medical offices and dialysis center, providing parking for an additional 49 vehicles. The expansion would include construction of an additional aisle of parking parallel to Alder Place, and the reconfiguration of the existing eastern lot such that vehicles could circulate through the parking lot around a newly created center island. The expansion currently calls for the addition of a driveway along Alder Place. The two existing driveways along West Vine Street would remain in place.

The two driveways along West Vine Street consist of a western driveway near Lower Sacramento Road and an eastern driveway near Alder Place. The hospital generally utilizes the western driveway, while employees and visitors to the medical offices and dialysis center generally utilize the eastern driveway. This eastern driveway generally serves the 33 parking spaces located within the existing easternmost parking lot which serves the medical offices and dialysis center. A portion of the 27 parking spaces within the parking lot located between the hospital and medical offices, and 17 parking spaces located along parking adjacent to West Vine Street between the two driveways, (a total of 44 spaces) are also assumed to utilize the eastern driveway.

As part of the project, the existing landscaped planter at the northwest corner of West Vine/Alder Place would be eliminated and replaced with standard curb, gutter, and sidewalk. It is also proposed that a driveway curb cut which currently exists on West Vine Street leading to the vacant field and new proposed parking lot would be eliminated as part of the project.

Existing Conditions

West Vine Street is an undivided 2-lane roadway with a 50 ft. curb-to-curb width classified as a *minor collector* by the City of Lodi which, in the vicinity of the project, serves primarily residential development in addition to the hospital. The average daily traffic (ADT) on the roadway is approximately 3,000 vehicles per day. The City of Lodi has established that the carrying capacity of a minor collector such as West Vine Street is between 4,000 and 10,000 vehicles per day, where 4,000 vehicles per day is assumed as the upper limit for LOS A operation, and 10,000 vehicles per day constitutes the upper limit for LOS C operation. The

City of Lodi General Plan designates that the target level of service for transportation facilities in the City is LOS C. Therefore, with an average daily traffic volume of approximately 3,000 vehicles per day, West Vine Street currently operates at LOS A. Based on PM peak hour counts at the intersection of Lower Sacramento Road and West Vine Road, the maximum hourly volume along West Vine Street in front of the hospital is 269 vehicles per hour.

Alder Place is a undivided 2-lane cul-de-sac roadway with a 40 ft. curb-to-curb width classified as a *standard residential street* by the City of Lodi. The City of Lodi has established that the carrying capacity of a standard residential street such as Alder Place is between 500 and 4,000 vehicles per day, where 500 vehicles per day is assumed as the upper limit for LOS A operation, and 4,000 vehicles per day constitutes the upper limit for LOS C operation, the target level of service. The roadway currently serves a total of 14 dwelling units. Ten dwelling units exist on spur cul-de-sacs east of Alder Place, two dwelling units front Alder Place near the end of the street, and two dwelling units are located along a driveway at the end of the street. Based on standard trip generation rates from the *Institute of Traffic Engineers - Trip Generation, 6th Edition*, traffic volumes along the roadway are estimated as follows:

- Daily Trips = 134 trips
- AM peak hour = 11 trips
- PM peak hour = 14 trips

Therefore, with an average daily traffic volume of less than 500 trips per day, Alder Place currently operates at LOS A.

Analysis

Although parking for the campus will be expanded, the hospital facilities, medical offices, and dialysis center are not planned to be expanded. Therefore, it is not expected that the number of trips to and from the facilities would be increased and the existing access points should continue to adequately serve the site as they currently do.

Turnover within the existing and future parking lot serving the medical offices and dialysis center is relatively light. Dialysis patients typically visit a dialysis center for 2-3 hours, and visitors to the medical offices would typically remain for an hour or more in length. Employees would typically only constitute at most 4 trips each per day. Therefore, congestion within the parking lot is not considered to be a significant issue. Field observations have confirmed this conclusion.

If the Alder Place driveway was not constructed, and based on the location of existing and proposed parking spaces, it is estimated that the existing eastern driveway would be utilized by vehicles parking in the following parking spaces:

33 existing spaces within easternmost parking lot
49 new parking spaces following expansion
22 spaces ($\frac{1}{2}$ of 44 total spaces) between the 2 existing driveways

109 spaces TOTAL

Based on standard trip generation rates from the *Institute of Traffic Engineers - Trip Generation, 6th Edition*, trip generation to and from the medical offices and dialysis center, based on 30 employees, would be as follows:

- Daily Trips = 422 trips
- AM peak hour (peak one hour between 7:00-9:00 AM) = 16 trips
- PM peak hour (peak one hour between 4:00-6:00 PM) = 32 trips

All of these trips are assumed to currently use the easternmost driveway. In addition to the trips listed above, a portion of trips to and from the 44 parking spaces which exist between the two West Vine Street driveways would also use the eastern driveway. It is assumed that, at most, this would be approximately 15 trips within any one hour period.

Based on the *Institute of Traffic Engineers - Parking Generation, 2nd Edition*, peak hours for a medical office are mid-morning and mid-afternoon hours, thus the peak hour of trips to and from the medical facilities does not necessarily correspond to standard peak periods (i.e. 7:00-9:00 am and 4:00-6:00 PM).

To estimate the number of trips to and from the medical facilities based on the number of employees, patients and visitors, the average vehicle occupancy rate is required. Based on the *Institute of Traffic Engineers - Trip Generation, 5th Edition*, the average vehicle occupancy for vehicles visiting a medical office is 1.37 persons per vehicle.

Worst Case Scenario Analysis with Existing Driveways

The following discussion provides for a worst case scenario if no additional driveways are added and only the two West Vine Street driveways provide access to the site. The number of trips assumed are significantly greater than the expected trips as described above, and the average vehicle occupancy rate is significantly less than the average value listed above.

Assumptions

- The maximum number of people (employees and visitors) within the medical offices and dialysis center is 82 people.
- There is a 100% turn-over of these people within a one-hour period (82 people arriving and 82 people departing).
- The average vehicle would include 1.25 people.
- There is an additional 100% turn-over of vehicles using the eastern driveway and parking within 22 spaces between the two driveways (22 trips in/22 trips out).

Mr. Tim Howard
October 14, 1998
Page 5

Driveway Operation

Based on the above worst case assumptions, a total of 176 vehicles (88 inbound/88 outbound) would use the driveway within an hour. If this unlikely circumstance were to occur, the driveway intersection would still operate at LOS A when traffic along West Vine Street was at a maximum (i.e. during the PM peak hour). On average, a vehicle wishing to exit the driveway would take approximately 5 seconds. The maximum queue would be approximately 2-3 vehicles.

Recommendations

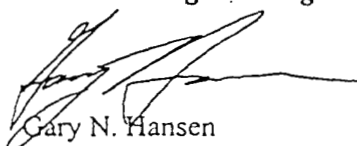
Driveway access to Alder Place is not recommended. Access to Alder Place is not necessary to provide adequate circulation or efficient access to the modified parking lot, nor is it needed to provide additional capacity for the two existing driveways on West Vine Street. Alder Place, which is classified by the City as a standard residential street, is first and foremost a facility whose function should be oriented towards the use, convenience, and comfort of residents along the roadway consistent with common standards of community planning. Consideration of access from a non-residential use should only be considered if adequate access is not possible along a more appropriate roadway facility. West Vine Street is a minor collector which is more suited for access to a hospital facility, and any additional access should utilize this facility. Our analysis shows that the existing access currently works, and would continue to work, at an acceptable level of service (A).

With respect to people arriving at the hospital campus, West Vine Street is a more natural access point. Visitors to the medical offices and dialysis center who are unfamiliar with the site would typically search for access to the parking lot from the major street (West Vine) and would not typically regard the residential street of Alder Place as a means of access.

We hope the information contained in this letter meets your needs. If you have any questions regarding this information, please do not hesitate to call me.

Sincerely,

CCS Planning and Engineering, Inc.



Gary N. Hansen
Principal



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: December 16, 1998

Time: 7:00 p.m.

For information regarding this notice please contact:

Alice M. Reimche

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, December 16, 1998 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) Appeal from Tim and Emily Howard Regarding Planning Commission's Decision on Use Permit #98-07, Lodi Memorial Hospital

Information regarding this item may be obtained in the office of the Community Development Department Director, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Alice M. Reimche
City Clerk

Dated: November 4, 1998

Approved as to form:

Randall A. Hays
City Attorney



DECLARATION OF MAILING

SET PUBLIC HEARING FOR DECEMBER 16, 1998 - LMH PARKING LOT

On November 5, 1998, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

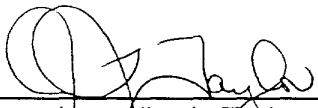
There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 5, 1998, at Lodi, California.

ORDERED BY:

ALICE M. REIMCHE
CITY CLERK



Jacqueline L. Taylor
Deputy City Clerk

Jennifer M. Perrin
Deputy City Clerk

LODI MEMORIAL HOSPITAL PARKING LOT

1)	02729005;LODI MEMORIAL HOSPITAL ASSN;975 S FAIRMONT AVE;LODI;CA;95240
2)	02704042;PALLESEN, WILLIAM & D ;900 INTERLAKEN ;LODI ;CA;95242
3)	02704043;BAKER, HAROLD E JR & MARY ;2342 W VINE ST ;LODI ;CA;95242
4)	02704044;TIPTON, JESSE A TR ;2336 W VINE ST ;LODI ;CA;95240
5)	02721003;ALLEN, KENNETH R & TERRIE T ;867 WESTWIND DR ;LODI ;CA;95242
6)	02728040;SANGUINETTI, HILDA TR ;2401 W COCHRAN RD ;LODI ;CA;95242
7)	02728042;SANGUINETTI, HENRY & DENISE TR;2434 SUMMERSET CT ;LODI ;CA;95242
8)	02721001;CASTANEDA, MANUEL & RENEE ;2325 W VINE ST ;LODI ;CA;95240
9)	02721002;NICHOLSON, WAYNE & RHONDA ;875 WESTWIND DR ;LODI ;CA;95240
10)	02721004;BROCK, STEPHEN E & C ;859 WESTWIND DR ;LODI ;CA;95242
11)	02721005;HERRERA, MICHAEL A & ANTOINETT;851 WESTWIND DR ;LODI ;CA;95242
12)	02721006;KOINZAN, MICHAEL S & STEPHANIE;843 WESTWIND DR ;LODI ;CA;95242
13)	02721007;SCOFIELD, DOLORES J TR ;835 WESTWIND DR ;LODI ;CA;95242
14)	02721008;MILLER, LARRY D & C A ;827 WESTWIND DR ;LODI ;CA;95240
15)	02721009;RICHARDS, JOHN D & KATHY A ;819 S WESTWIND DR ;LODI ;CA;95242
16)	02721010;BARNHARDT, JERALD K & E J ;811 S WESTWIND DR ;LODI ;CA;95242
17)	02721011;HOFF, HARLEY G & I ;803 WESTWIND DR ;LODI ;CA;95240
18)	02722011;MAAS, GARY A & SHERRY ;2328 W VINE ;LODI ;CA;95240
19)	02722014;ODAMA, TOMIO T & G E ;2321 SUNWEST DR ;LODI ;CA;95240
20)	02722015;ISHIMARU, KENT K & GAIL ;2331 SUNWEST DR ;LODI ;CA;95240
21)	02727017;LIN, ANTHONY & S ;908 INTERLAKEN DR ;LODI ;CA;95242
22)	02727019;BRIZENDINE, STEVEN F & KELLY M;916 INTERLAKEN DR ;LODI ;CA;95242
23)	02736007;MACDONALD, JOHN G JR TR ;1557 ROSECREST TERR ;SAN JOSE ;CA;95126
24)	02728018;VANEGAS, BENJAMIN A & RENEE ;2334 WINTERGREEN CT ;LODI ;CA;95242
25)	02728019;STEPHENS, ANDREW M & MARGARET ;2328 WINTERGREEN CT ;LODI ;CA;95242
26)	02738012;MASON, HELEN BEATRICE TR ;848 ALDER PLACE CT ;LODI ;CA;95242
27)	02728037;GROSS, PAUL G & JEANNETTE L ;2428 SUMMERSET CT ;LODI ;CA;95242
28)	02728038;LEVERONI, EDWARD C TR ETAL ;2422 SUMMERSET CT ;LODI ;CA;95242
29)	02728039;FERRY, ADRIANA S ;2416 SUMMERSET CT ;LODI ;CA;95242
30)	02738014;MURRAY, BRENDA J ;856 ALDER PL ;LODI ;CA;95242
31)	02729001;OTTERSETTER, HAROLD & HELEN ;1111 MACARTHUR BLVD ;SAN LEANDRO ;CA;94577
32)	02738019;COOPER, LARRY K & JANICE L ;890 ALDER PL ;LODI ;CA;95240
33)	02730001;LOPEZ, ARTURO ;1701 S MILLS #76 ;LODI ;CA;95242
34)	02730002;HENDRIX, WILLIAM & PATRICIA ;915 INTERLAKEN DR ;LODI ;CA;95242
35)	02730003;NAKAYAMA, MASAHIKO & KAREN ;923 INTERLAKEN DR ;LODI ;CA;95242
36)	02730027;DAMMEL, KENNETH & LAURA ;903 COLOGNE CT ;LODI ;CA;95242
37)	02730028;WOOD, PAUL J & DAWN J TR ;966 COLOGNE CT ;LODI ;CA;95242
38)	02730034;GRAMS, HERMAN R & ELAINE M TR ;2529 PRINCETON AVE ;VISALIA ;CA;93292
39)	02730035;NEUMAN, RICHARD J & JUNE F TR ;910 COLOGNE ;LODI ;CA;95242
40)	02730036;BRENTT, JAMES E & GENA L ;902 COLOGNE CT ;LODI ;CA;95242
41)	02736003;ANDERSON KATZAKIAN PTP ;PO BOX 617 ;LODI ;CA;95241
42)	02736004;GOUVEIA, BETTY J TR ;2424 COCHRAN RD #4 ;LODI ;CA;95242

43)	02736008;HOWARD, GARY J & BARBARA L ;1025 E LAVETA AVE ;ORANGE ;CA;92666
44)	02736009;ANDERSON KATZAKIAN PTP ;PO BOX 617 ;LODI ;CA;95241
45)	02738001;AMADOR, DANIEL S & LETITIA R ;2416 W COCHRAN RD ;LODI ;CA;95242
46)	02738002;VAZ, PHIL G & JULIE A ;2412 COCHRAN RD ;LODI ;CA;95242
47)	02738003;HILSCHER, JOHN & CHRISTI ;2406 COCHRAN RD ;LODI ;CA;95242
48)	02738004;GALLETTI, KENNETH W & TERRI E ;2404 W COCHRAN RD ;LODI ;CA;95242
49)	02738005;BOWERS, AARON L & TARA R ;2400 COCHRAN RD ;LODI ;CA;95242
50)	02738006;KEIL, TIMOTHY & CATHERINE A ;816 ALDER PL ;LODI ;CA;95242
51)	02738007;KOOYMAN, DIRK K & BOBBYN J ;822 ALDER PL ;LODI ;CA;95242
52)	02738008;BRUMM, WILLIAM TR ;828 ALDER PL ;LODI ;CA;95242
53)	02738009;KRUEGER, FREDERICK R & JANICE ;836 ALDER PL ;LODI ;CA;95242
54)	02738013;HOWARD, TIMOTHY L & EMILY A ;852 ALDER PL ;LODI ;CA;95242
55)	02738015;LARSEN, KENDRA D ;860 ALDER PL ;LODI ;CA;95242
56)	02738016;PATTERSON, THOMAS G & VALERIE ;868 ALDER PL ;LODI ;CA;95242
57)	02738017;CHANDLER, TOBY F ETAL ;1720 S MILLS AVE ;LODI ;CA;95242
58)	02738018;SCHUH, VICTOR & ADRIANA ;882 ALDER PL ;LODI ;CA;95242
59)	02738020;FLEMMER, BRENT L ETAL ;2336 COCHRAN RD ;LODI ;CA;95242
60)	02738021;DROWN, DAVID & LINDA ;2330 COCHRAN RD ;LODI ;CA;95242
61)	02738022;TOKAY DEVELOPMENT INC ;PO BOX 1259 ;WOODBIDGE ;CA;95258
62)	02738023;PATTERSON, MICHAEL & BRENDA ;1311 W CENTURY BLVD #56 ;LODI ;CA;95242

November 12, 1998

City of Lodi
Office of City Clerk
Lodi, CA

ATTN: LODI CITY COUNCIL

RECEIVED
NOV 12 AM 11:15
CITY CLERK
CITY OF LODI

Dear Councilmembers:

I am writing this letter to you regarding the decision on Wednesday, October 13, 1998 by the Lodi Planning Commission approving Lodi Memorial Hospital's request for a Parking Lot Use Permit.

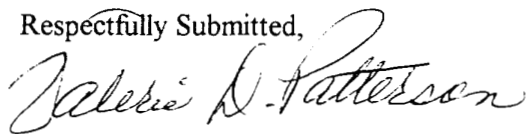
A formal appeal of this decision is on file and will be heard by the Lodi City Council on December 16, 1998. I am grateful to you for considering this appeal made on behalf of Alder Place Residents who would be directly and adversely affected by this action.

This Planning Commission decision was delayed on two separate occasions to accomodate meetings between the Hospital & the Residents of Alder Place. One meeting was held without resolution and it was understood when a second postponement by the Planning Commission was approved that another meeting would be held by the Hospital & the Residents of Alder Place to try to come to a resolution regarding the concerns of the property owners (residents). The Hospital never made an effort to meet with residents during this time period. At the 10/13/98 meeting, a vote was taken by the Commission approving the Hospital's request. The Residents feel that the Hospital representatives made their decision on the resident's concerns known to the Planning Commission Members during the time between the last meeting with the residents on 9/15/98 and the meeting on 10/13/98. I got the distinct feeling **during the meeting of approval on 10/13/98 that no real consideration was given to letters sent to Planning Commission Members during this time period.** It seemed like a **"done deal"** when the final vote was taken....yes, several members asked questions but it was like they ".....had to consider the hospital more than the residents because the hospital owned half of Alder Place but had never had use of it". **I feel that the residents can and would like to present facts that show, in fact, that the hospital has had use of Alder Place and has profited from the use of the Vine Street accesses to the hospital more than they ever will from the Alder Place access that was approved.**

The other very important concern of residents is the **safety situations** which could occur and the serious liability that we would incur as residents should a personal injury occur either from a traffic accident on Alder Place or to pedestrian traffic which would also be impacted on Alder Place. The latter of these could actually involve a resident's own child who has had access to the private street in their play, i.e. bike riding, roller blading/skating, etc., which is allowed on private streets and is NOT allowed on public thoroughfares for safety reasons!

I sincerely request that the Lodi City Council review all previous letters as well as new correspondence to you as council members and proposals submitted by all parties involved in this request before confirming the Lodi Planning Commission's decision of this proposal by Lodi Memorial Hospital.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Valerie D. Patterson". The signature is written in black ink and is positioned below the phrase "Respectfully Submitted,".

Valerie D. Patterson
868 Alder Place
Lodi, CA 95242

VDP

s

NOVEMBER 13, 1998

RECEIVED
Time _____

NOV 20 1998

Alice M. Reimche
City Clerk
City of Lodi

ATTENTION: LODI CITY COUNCIL MEMBERS

THE UNDERSIGNED NEIGHBORHOOD RESIDENTS RESPECTFULLY SUBMIT THE FOLLOWING STATEMENT AND ATTACHED LETTERS TO THE LODI CITY COUNCIL FOR REVIEW AS PART OF THEIR **RECONSIDERATION** OF THE LODI PLANNING COMMISSION'S APPROVAL ON OCTOBER 13, 1998, REGARDING THE REQUEST BY LODI MEMORIAL HOSPITAL FOR A PARKING LOT USE PERMIT.

RESIDENTS OF ALDER PLACE DO NOT FEEL THAT ADEQUATE THOUGHT AND CONSIDERATION WAS GIVEN BY PLANNING COMMISSION MEMBERS TO LETTERS AND/OR ALTERNATE PROPOSALS BY ALDER PLACE RESIDENTS REGARDING THE DIRECT AND ADVERSE AFFECT SUCH AN EXPANSION BY THE HOSPITAL WOULD HAVE ON THEM AND THEIR FAMILIES. WE FEEL THAT THE PLANNING COMMISSION MEMBER'S MAIN FOCUS WAS ON STAFF RECOMMENDATIONS WHICH SEEMED VERY BIASED ON THE SIDE OF LODI MEMORIAL HOSPITAL'S REQUEST.

THEREFORE, WE ARE PROVIDING THIS INFORMATIONAL STATEMENT ALONG WITH ATTACHED LETTERS AND/OR COPIES OF LETTERS WHICH WILL GIVE THE LODI CITY COUNCIL FURTHER OPPORTUNITY TO READ AND/OR HEAR FROM THE RESIDENTS AND THE CONCERNS THEY HAVE IF THIS PROPOSED EXPANSION TAKES PLACE. MANY OF THE RESIDENTS FEEL THAT "DEAF EARS" WERE TURNED ON MANY OF THEIR CONCERNS FROM STATEMENTS MADE BY SEVERAL PLANNING COMMISSION MEMBERS IN THEIR EFFORTS TO EXPLAIN THEIR VOTE OF APPROVAL ON THIS ISSUE. STATEMENTS SUCH AS, "..... WHILE I FEEL MANY OF THE RESIDENT'S CONCERNS ARE VALID I HAD TO CONSIDER THE HOSPITAL **MORE** THAN THE RESIDENTS BECAUSE THE HOSPITAL OWNS HALF OF ALDER PLACE TOO BUT HAS NEVER HAD USE OF IT !" AS RESIDENTS WE HAVE MANY FACTS TO PRESENT THAT WILL SHOW THE HOSPITAL HAS HAD MORE USE OF ALDER PLACE OVER THE YEARS, THAN ANY OF THE RESIDENTS, AND HAVE ALREADY PROFITED FROM USE OF ALDER PLACE ON THE WEST SIDE BY SUB-DIVIDING THEIR PROPERTY AND SELLING IT TO DEVELOPERS WHO TOLD MANY OF US, AS HOME BUYERS, THAT THIS IS MAINLY A RESIDENTIAL AREA BECAUSE OF THIS SUBDIVISION. THESE SAME DEVELOPERS TOLD BUYERS THAT THE HOSPITAL WOULD PROBABLY SUB-DIVIDE THE EAST SIDE OF ALDER PLACE FOR MORE RESIDENTIAL DEVELOPMENT! ALDER PLACE IS PRIMARILY A RESIDENTIAL AREA! IT IS ZONED RESIDENTIAL/COMMERICAL/PROFESSIONAL BY THE CITY OF LODI! THE LODI CITY COUNCIL SHOULD BE CONCERNED WITH THE IMPACT TO THIS RESIDENTIAL AREA, NOT ONLY WITH THESE PRESENT PLANS BUT WITH FUTURE PLANS BY THE HOSPITAL AND THE IMPACT IT WILL HAVE ON ALDER PLACE AND IT'S STATUS AS A **"PRIVATE ROAD OWNED BY PRIVATE CITIZENS!"**

HOW CAN THE CITY OF LODI LEGALLY ALLOW A PRIVATE ROAD TO BECOME PUBLIC WITHOUT TAKING OVER THE MAINTENANCE AND LIABILITY FOR THAT ROAD?

THIS DIFFICULT AND CONTROVERSIAL PROJECT WAS APPROVED WITHOUT DUE REGARDS TO THE DIRECT AND ADVERSE AFFECT IT WOULD HAVE ON THE RESIDENTS OF THIS AREA.....PLEASE, WE ASK THAT YOU REVIEW ALL LETTERS AND PROPOSALS SUBMITTED BY THE RESIDENTS OF ALDER PLACE BEFORE PUTTING YOUR APPROVAL ON THIS PROPOSAL.

RESPECTFULLY SUBMITTED,

ALDER PLACE RESIDENTS:

1. <u>Andy Chandler</u>	15. <u>Kenora Larson</u>
2. <u>Debra Chandler</u>	16. <u>Debra Chandler</u>
3. <u>Henry K. Cooper</u>	17. _____
4. <u>Debra Murray</u>	18. _____
5. <u>Mr. Patterson</u>	19. _____
6. <u>Nancy Mayson</u>	20. _____
7. <u>Victor Schab</u>	21. _____
8. <u>Valerie D. Patterson</u>	22. _____
9. <u>William Bejman</u>	23. _____
10. <u>Adrian Schab</u>	24. _____
11. <u>Bronda Patterson</u>	25. _____
12. <u>Joe Byrne</u>	26. _____
13. <u>John W. Cooper</u>	27. _____
14. <u>Franklin P.O.</u>	28. _____

Dec. 1, 1998

To the City Council of Lodi
Re: Lodi Memorial Hospital Parking Lot Expansion

As a new resident of Lodi I am terribly upset at the Planning Commission's decision to allow the expansion of the hospital's parking lot using Alder Place to access.

None of those on the Board even considered looking at Alder Place to see the possible problem it will create. I have lived here 6 months and it appears to me the hospital waited until all of the homes were sold and then pull the rug out from under us. We knew of the possible building the hospital was planning but didn't realize it was going to be a parking lot!!!! That is -- no one told us of this plan. We assumed the cut out on Vine St. was for access to whatever their plans were. I have *lived* long enough to know how city governments work and all I can say is that I KNOW that if you don't vote on the side of someone who seems to OWN the City of Lodi you can loose your seat onthe council. The people of Lodi voted you in office on the ASSUMPTION that you will seriously consider THEIR plight. Alder Place is a Private street that theLodi Memorial Hospital arranged when they sold these properties to developers. We are at your mercyat this point.. What a time to upset the residents of Alder Place MERRY CHRISTMAS ?????????? from the head of Lodi Memorial Hospital.

I purchased this home because it was a private street with minimal traffic and for the safety of my many grandchildren who visit us often.

Thank you
Mrs. Helen Mason *Mrs. Mason*
848 Alder Place
Lodi, Ca. 95242



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to consider appeal received from Tim and Emily Howard regarding Planning Commission's decision on Use Permit #98-07, Lodi Memorial Hospital

MEETING DATE: December 16, 1998

PREPARED BY: Community Development Director

RECOMMENDED ACTION: Staff is recommending that the City Council deny an appeal of the Planning Commission's approval of Use Permit 98-07, permitting the expansion of the parking lot at Lodi Memorial Hospital's West Campus, located at 2407 West Vine Street. Denial of the appeal will permit the expansion project to proceed as proposed.

BACKGROUND INFORMATION:

The Appeal

The City Clerk's office received a formal appeal from Tim and Emily Howard on October 21, 1998. Mr. and Mrs. Howard reside at 852 Alder Place and are serving as the representatives of the Alder Place residents. The formal appeal identifies concerns presented in two letters to the Planning Commission, and in one letter from CCS Planning and Engineering (see attached). The appellant also points to a 1990 survey map of the subject property indicating parking spaces, among other things, at the north east corner of the property formerly owned by the hospital. Finally, the appellant is under the belief that the project did not receive proper review under the California Environmental Quality Act (CEQA).

The Project Proposal

The proposed project is an expansion of the parking facilities to serve the on-site medical offices and dialysis unit at the existing Lodi Memorial Hospital West Campus. The medical offices operate weekdays from 8:00 AM to 5:00 PM and Lodi Dialysis operates Monday through Saturday from 6:00 AM to 6:00 PM. The proposed area of work is roughly .60 acres and is located at the corner of West Vine Street and Alder Place. Upon completion of the work, there will be a net increase of 49 parking spaces along with a new ingress/egress onto Alder Place. Access from both West Vine Street and Alder Place, will provide adequate circulation within and through the parking lot. In addition to the new paved area, there will be new parking lot lighting and new landscaping to screen the parking area from the homes across Alder Place. Finally, the "hot tub" planter on the north west corner of West Vine and Alder Place will be removed and replaced with curb, gutter, and sidewalk, and the existing driveway cut in the curb along West Vine Street will be removed.

Planning Commission Action

The Planning Commission conducted a Public Hearing on this item on October 14, 1998, at which time the Commission approved the Use Permit. Originally, the hearing was scheduled several weeks prior to this date; however, two continuances were granted by the Commission to give the proponent and neighbors an opportunity to meet and try and reach an agreement acceptable to both parties. The hospital wants to utilize the Alder Place frontage to access their parking lot, while the residents are adamantly opposed to any access off Alder Place. This is the central issue of concern.

APPROVED: _____

H. Dixon Flynn -- City Manager

During the public comments portion of the meeting, the Commission heard complaints from several residents living on the east side of Alder Place. In addition, the Community Development Department received numerous letters from these same residents opposing the project. Their opposition centered on the proposed access points serving the parking lot from the Alder Place private driveway.

In reviewing the proposal, staff discussed several aspects of the parking lot design. The culmination of our review resulted in several recommendations to the Planning Commission. Staff's recommendations were approved by the Commission and are embodied by Resolution No. 98-17. Among the required conditions within the Resolution are; that the project utilize a bermed landscaping strip along the edge of the parking lot, as well as along the entire length of Alder Place to mitigate any visual impacts on the residents, that a new drainage system for the parking lot be connected to the existing on-site drainage system, and that one of the indicated new driveways be removed. The Resolution is included in its entirety in this packet.

History of the Site

Lodi Memorial Hospital West Campus has been in existence at its current location since approximately 1965, though it was originally developed in the county and was known as Community Hospital. Originally, the hospital was located at 800 South Lower Sacramento Road, on the corner of Lower Sacramento and West Vine Street. It wasn't until about 1979 that the hospital expanded to the adjacent site at 2415 West Vine Street. Because of the proximity to the Lodi City limits, the Lodi Planning Commission was consulted during the Use Permit approval process, and during subsequent expansions, City of Lodi Planning, Public Works, and the Site Plan and Architectural Review Committee continued to review the site. In 1975, Community Hospital was annexed to the City of Lodi, and 34.7 acres of land were pre-zoned R-CP, Residential, Commercial Professional. Today, the land bordered by Lower Sacramento Road on the west, Cochran Road on the north, the rear of the Alder Place residential lots on the east, and West Vine Street on the south (approximately 14 acres) remains zoned for residential, commercial-professional uses. A breakdown of property still owned by the hospital is as follows. The total size of the hospital property today is about 8.74 acres. The corner of Lower Sacramento and West Vine (the original hospital site) is roughly 4.9 acres. Just to the east is a 1.3 acre property containing the medical office complex. The remaining vacant land, including the area of the proposed parking lot covers approximately 2.65 acres.

Access to and through the hospital property has been an ongoing concern for the hospital. There has historically been a shortage of parking for the complex, and circulation has been problematic for many years. To meet the City's current parking standard, the hospital would need to have another 24 on-site spaces to serve both the offices and the hospital. Furthermore, when an emergency department was added in 1982, the west campus became a full service treatment center, creating still other challenges. A road or driveway was added at this time to provide the necessary access for supply trucks and other vehicles to service the hospital. The road connected with a through street called Community Drive, which would later become the private drive that is now Alder Place.

When the hospital's main complex on Fairmont Avenue came on line, the west campus became primarily an after-care recovery facility (which it still is today) along with doctor's offices. Since then, the service road has been used only on occasion. Recently, some problems have arisen surrounding the service driveway, particularly with trucks driving around the locked gate stirring up dust.

ANALYSIS:

Appellant Concerns

The appellants have requested that the City respond to several issues raised in letters to Lodi Memorial Hospital and to the Planning Commission, to a traffic analysis prepared on behalf of the residents by CCS Planning and Engineering, and to their contention that this project did not conform to review requirements under the California Environmental Quality Act (CEQA).

1) In a letter written to Lodi Memorial Hospital dated September 18, Mrs. Emily Howard outlines her concern about some of the hospital's internal policies. She asserts that this project is inconsistent with the hospital's stated desire to maintain community partnerships. The City of Lodi cannot respond to issues addressed to Lodi Memorial Hospital.

2) Another letter written by Mr. and Mrs. Howard dated September 23 addressed to the Planning Commission outlines their concerns about safety to life and property stemming from the proposed parking lot. According to the Howard's, the following adverse consequences will result if the parking lot is built.

- a. Safety of children living on Alder Place will be compromised.
- b. Security of residents will be jeopardized.
- c. Garbage collection would be hindered.
- d. Getting daily mail would be an unnecessary hazard.
- e. Additional noise would be offensive.
- f. The residents' night sky would be compromised
- g. Increased storm runoff would create increased potential for flooding.
- h. Increased risk of pet injury.

3) The traffic study done by CCS Planning and Engineering makes three determinations about the project proposal; that the increased traffic on Alder would create a significant impact, that a driveway on Alder Place is unnecessary from a circulation and capacity standpoint, and that traffic other than residential traffic should not be placed on residential cul-de-sacs.

Staff Response to Appellant Concerns

First and foremost, staff's recommendation to the Council is that we cannot deny Lodi Memorial Hospital the use of Alder Place, which is owned, in part, by the hospital. To do so would expose the City to the real possibility of inverse condemnation litigation. Historical records, including a "Joint Access Easement", a "Street Maintenance Agreement", and documents reflecting a shared financial responsibility for maintenance costs by both the residents of Alder Place and Lodi Memorial (copies of which are provided as attachments in this packet), provide a very accurate portrait of the ownership and access rights questions at the crux of this matter. To deny the hospital access to their drive would be denying them an existing legal right. In approximately 1980 when the former Doctor's Hospital sold the land on the east side of Alder Place for homes, Community Drive had already been transformed into Alder Place, a private drive serving the residences on the east, and the hospital on the west. Shared ownership and access was a moot point from that time forward. In effect, the hospital already has a drive access to their property from West Vine Street. It happens to be named Alder Place.

In addition to the overriding concern about infringing on the hospital's ability to utilize Alder Place, there is the issue of possible adverse impacts associated with installation of a new parking lot at this location. In fact, the parking lot will not generate additional traffic as there are no additional structures or square footage proposed. Upon completion, there will be no more cars than there were before the project. And contrary to Mr. and Mrs. Howard's point of view, staff does not believe the project to be injurious to life and property. The project is in full compliance with the California Environmental Quality Act (CEQA), which means that according to the laws under which CEQA operates, no significant impacts will result. The statute is clear when exempting this "small parking lot" project from further review under CEQA. To imply such things as the night sky being compromised, the retrieving of mail to be hazardous, and pets' lives being endangered, is not in keeping with like situations in other parts of the City, particularly where zoning permits such activities.

The traffic study done by CCS Planning and Engineering concludes that the parking lot project will have significant traffic related impacts, especially related to the ingress/egress onto Alder Place. Using the hospital's figures, and with the help of the City's Traffic Engineer, staff has determined that a total of 320 daily trips are being generated by the office complex. These are not peak hour trips, meaning the trips are not seen more at one particular time of day; rather, the medical offices see clients steadily throughout the day.

According to City standards, Alder Place was constructed to handle between 500 and 4,000 daily trips. The capacity of Alder Place far exceeds any additional load that will be placed on it as a result of the parking lot, even if it absorbed the full 320 daily trips. In all likelihood, the number of new trips on Alder Place will be less than 160 because the present and future distribution of parking spaces is evenly divided in proximity to the driveway locations. A majority of patients will continue to enter the office complex from West Vine Street, as the majority of parking spaces will still be located west of the Vine Street driveways.

CCS also stated that the proposed parking lot cannot justify a drive on Alder Place from either a capacity or circulation standpoint. To support this contention, they cite the fact that West Vine Street is currently operating at a Level of Service (LOS) of A (traffic flow is unimpeded). As a minor collector, West Vine Street has a capacity of between 4,000 and 10,000 vehicles per day, and it currently carries approximately 3,000 vehicles per day. What CCS fails to point out is the degree to which the Vine Street driveways may not continue to function adequately at a future build-out condition (more than 10,000 vehicles per day) on West Vine Street. Cars trying to exit onto West Vine Street from the existing driveways may endure much longer waits than estimated as well as longer queues than two to three vehicles.

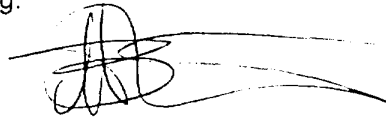
Finally, CCS contends that Alder Place is classified as a residential street. In fact, Alder Place is classified as a private road. This private road is currently carrying only traffic generated by the residents, or approximately 134 daily trips as per CCS (the calculation should be 140, or 10 trips per residence). According to CCS, the projected increase of traffic as a result of the parking lot connecting to Alder Place would adversely affect the residents from a neighborhood and quality of life standpoint. Traffic analyses usually do not look at subjective factors in determining adverse impacts; therefore, staff does not agree with such findings. Furthermore, staff is comfortable placing traffic other than residential traffic on Alder Place since it was designed to serve both the residents and the hospital, and was not

envisioned as a residential cul-de-sac. Moreover, if the remaining vacant property owned by the hospital were used for single family residences, an additional 14 homes could be built which would generate 140 daily trips on Alder Place, duplicating the current traffic load. As previously discussed, the number of trips anticipated under a worst case scenario would be a 20 trip difference from the alternative buildout (parking lot at 160 daily trips). Such a small number strengthens staff's contention of insignificant affect.

In response to a need for more information, Lodi Memorial Hospital has contracted with KD Anderson, Transportation Engineers to prepare a traffic impact assessment for the proposed parking lot project. Staff received a copy of this report late in the review process, on December 7, 1998. The general conclusion of the traffic report is, that above and beyond any traffic generation numbers or levels of service, the most important issue to be considered is the function of Alder Place. As a street designed and planned to serve the mixed uses approved for the R-CP zone, it will function, as proposed, with no significant impact. A copy of the report is included in this packet.

To reiterate, staff's position and recommendation to the City Council is that the City cannot deny the hospital the use of its property by prohibiting the use of Alder Place, a private drive. A hospital is an allowed use in the R-CP zone with a Use Permit. The Planning Commission has exercised its ability to condition the request so as to minimize any possible adverse impacts on the neighborhood, and so that the proposed project is in keeping with the general public welfare. Therefore, we recommend denying the appeal to overturn the Planning Commission's approval of the proposed parking lot.

FUNDING: There is no request for funding.

A handwritten signature in black ink, appearing to read 'KB', with a long horizontal line extending to the right.

Konradt Bartlam
Community Development Director

Prepared by Eric Veerkamp, Associate Planner

Attachments

*KD Anderson*Transportation Engineers

December 1, 1998

Mr. Chris Dickey
LODI MEMORIAL HOSPITAL
975 South Fairmont
Lodi, CA 95240 (209) 339-7672

RE: DRAFT TRAFFIC IMPACT ASSESSMENT FOR MEMORIAL WEST HOSPITAL
PARKING LOT, LODI, CA

Dear Mr. Dickey:

This letter summarizes **kdANDERSON Transportation Engineers'** traffic impact assessment for the Lodi Memorial West Hospital Parking Lot project in Lodi. As requested, we have reviewed available background materials and conducted a field review in order to describe the project's relative impact on Alder Place, the local cul-de-sac street providing access to the parking lot with regard to a) the capacity of the road and access to Vine Street; b) the "quality of life" for existing residents and c) the "function" of Alder Place.

Field Review / Background Research. We visited the site to acquaint ourselves with the project, and we reviewed available documents relating to this project. The proposed project has been the subject of an analysis and report prepared by City staff¹, as well as a traffic study completed by CCS Engineering for neighbors who oppose the project². Both documents presented information regarding current traffic conditions in the study area as well as analysis of the relative impacts of project traffic. The analyses differed, however, in their opinions as to the significance of project traffic on Alder Place.

¹ Memorandum to the Planning Commission from Community Development Department, October 14, 1998.

² "Lodi Memorial Hospital West - Impacts of Proposed Driveway on Alder Place", CCS Planning and Engineering, 10/14/98.

Mr. Chris Dickey
LODI MEMORIAL HOSPITAL
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We reviewed the local street system, capacity constraints and intersection geometry in the vicinity of Memorial Hospital West. As noted in the staff report, Alder Place is a cul-de-sac street that is about 40 feet wide. This is the typical section for a standard local residential street in Lodi. Based on the number of residences now occupied along Alder Place, the CCS report suggests that the street probably carries about 134 vehicles per day.

Alder Place would connect the parking lot with West Vine Street, a minor collector street that is about 50 feet wide. The current daily traffic volume on West Vine Street in this area is about 3,000 vehicles per day. According to City staff, Alder Place is a private Street, half of which is owned by the Hospital.

Memorial Hospital's West campus currently occupies the northeast corner of the intersection of Lower Sacramento Road & West Vine Street. The Hospital has 220 parking spaces which are primarily located in small lots that are located along the fronting streets. Of these spaces, 51 are located directly adjacent to the medical office building. Access to the Hospital's parking supply occurs at two driveways on West Vine Street.

Project Characteristics. As the proposed project does not involve development of additional activity centers at the hospital, any traffic using the new parking lot would represent existing trips that were diverted from other locations on the hospital site.

Both the City staff report and CCS study attempted to estimate the number of trips that might be diverted to the parking lot based on the amount of activity occurring at the site. The City staff report suggested that the parking lot would be used by patrons of the adjoining medical office and dialysis center who were determined to generate 320 daily trips. The CCS study suggested that these uses might generate a total of 422 daily trips.

The CCS study noted that the hours of operation of the medical offices were from 8:00 a.m. to 5:00 p.m., while the dialysis center would be open for longer hours (i.e., 6:00 a.m. to 6:00 p.m.). The CCS study suggested that peak traffic would be in the range of 16 trips during the a.m. peak hour and 32 trips during the p.m. peak hour.

Mr. Chris Dickey

LODI MEMORIAL HOSPITAL

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Altogether these estimates appear to be reasonable and describe a very low traffic generator whose hours of operation are relatively limited. The highest projected peak hour traffic volume would only be equivalent to perhaps one vehicle entering or exiting the site every two minutes. Due to the anticipated schedule of operations, site traffic will generally occur during daylight hours with almost no traffic occurring during the evening hours.

Impact Issues. Theoretically, the issues to be considered with regard to developing parking lot access via Alder Place include both roadway / intersection capacity, as well as "quality of life" for adjoining residents. The issue of the "need" for additional access has been raised by adjoining residents. However, as a practical matter, neither set of issues appears to be particularly significant, and the real question to be addressed is the real "function" of Alder Place.

Capacity / Level of Service. From a capacity and Level of Service standpoint, Alder Place and the Alder Place / Vine Street intersection clearly have the capacity to accommodate the traffic increase that would accompany parking lot access. Even if all of the traffic forecast to use the parking lot were to use the Alder Place driveways, the current traffic volume of about 134 ADT (Average Daily Traffic) would only reach about 556 ADT. City of Lodi standards suggest that this road could comfortably carry 500 to 4,000 ADT. The volume of traffic occurring at the Vine Street / Alder Place intersection today is very low, and even with the addition of parking lot traffic LOS "A" conditions would likely remain.

Quality of Life. Adjacent residents have complained that the introduction of parking lot traffic onto Alder Place should not be allowed due to the perceived impact on their "quality of life". The issue of permissible traffic volume on local streets is often faced by local governments who must balance the need for an efficient circulation system with the perception of increased noise, air quality impacts, etc, that accompany increased traffic. While no formal standard exists to suggest the threshold of impact to "quality of life", many communities have worked with volumes of 2,000 to 2,500 ADT as practical maximum values for acceptable traffic levels on residential streets with direct driveway frontage. Clearly, the forecast traffic volumes are well below this level.

Mr. Chris Dickey
LODI MEMORIAL HOSPITAL
December 1, 1998
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Need for Driveways. The CCS Study suggested that adequate Hospital access would remain if no Alder Place access was allowed and site traffic continued to use existing driveways onto Vine Street. This conclusion was predicated on the Level of Service provided at the existing Vine Street driveways which was projected to be very good.

While the quality of traffic conditions at the driveway access may be good, the primary problem to be corrected by the development of Alder Place access is the circuitous nature of circulation through the Hospital parking lots to the offices to be served by new parking lot. The additional access is intended to make the new parking supply clearly visible to patrons. Access via Alder Place is intended to eliminate confusion and shorten the distance to be travelled to the new parking supply.

We understand that project proponents have asked whether another West Vine Street access might be developed in lieu of an Alder Place driveway. An existing driveway cut which is proposed for removal is located about 80 to 100 feet west of the Alder Place intersection. However, this location would not be acceptable as it does not align with the parking lot aisles.

Roadway Function. The real argument being made in this case is whether Alder Place is in fact solely a *residential* street. The current zoning on both sides of Alder Place is R-CP which permits both residential, commercial and office uses. We understand that this was the zoning in place when Alder Place was first constructed as a cul-de-sac, was the zoning when the adjoining residential subdivision was created and remains the zoning today. The design of the existing subdivision is generally consistent with this range of uses, as none of the homes have direct frontage onto Alder Place. Thus, the claim that Alder Place is a "residential street" and worthy of a special protection from increase traffic is not consistent with what we understand to be the planned use of the street for a range of residential, commercial or professional office uses.

Conclusions. The forecast traffic volume increase accompanying development of a parking lot with access to Alder Place does not appear to be significant from any standpoint typically used in the Traffic Engineering profession. The use of Alder Place by non-residential traffic appears to be consistent with the long term planning inherent to the use

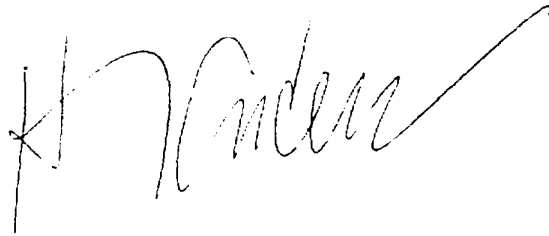
Mr. Chris Dickey
LODI MEMORIAL HOSPITAL
December 1, 1998
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of the mixed use R-CP zoning in this area. While local residents are likely to object to any traffic volume increase occurring on Alder Place, the addition of projected traffic within the limited hours of operation suggested herein should not result in a significant impact.

Please feel free to call if you have any questions or need additional information.

Sincerely,

kdANDERSON Transportation Engineers

A handwritten signature in black ink, appearing to read "K. Anderson", with a long, sweeping horizontal stroke extending to the right.

Kenneth D. Anderson, P.E.
Principal

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MINUTES
LODI CITY PLANNING COMMISSION
CARNEGIE FORUM
305 WEST PINE STREET
LODI, CALIFORNIA

WEDNESDAY

October 14, 1998

7:00 P.M.

The Planning Commission met and was called to order by Chairman Schmidt.

Commissioners Present: John Borelli, Tim Mattheis, Jonathan McGladdery, Craig Rasmussen, Dorean Rice, Roger Stafford, and Chairman Schmidt.

ROLL CALL

Commissioners Absent:

Others Present: Konradt Bartlam, Community Development Director, John Luebberke, Deputy City Attorney, Eric Veerkamp, Associate Planner, Mark Meissner, Associate Planner, and Lisa Wagner, Secretary.

The minutes of September 23, 1998 were approved as mailed.

MINUTES
September 23, 1998

PUBLIC HEARINGS

Request of Lodi Memorial Hospital for approval of a Use Permit allowing the expansion of the Hospital's West Campus parking lot to accommodate an additional 49 cars. (Continued from September 23, 1998). This matter was presented by Associate Planner Veerkamp. He noted that this item had been continued twice due to the request of the Alder Street residents so they could have the opportunity to discuss the project with Lodi Memorial Hospital staff. Both parties met, but no agreement was reached. The proposed area of work is 300 feet long by 80 feet wide and will be located at the extreme east edge of the property. Currently, there are 33 parking spots serving the medical offices, 4 of which are handicapped spaces. Upon completion of the project there would be a net increase of 49 parking spaces for a total of 86 parking spaces. In addition to the new paved area, there will be new parking lot lighting and new landscaping. The "hot tub" planter will be removed and replaced with curb gutter & sidewalk. Staff was satisfied with the proposed parking lot. It will accommodate the parking shortage created over the years. The most controversial issue was that the residents of Alder Place did not want any access onto their street. -On the other hand, the hospital wants to use their property to its full potential. Associate Planner Veerkamp stated that a total of 320 daily trips are being generated by the office complex. Staff told the applicant that they would require the removal of the southernmost of the two new driveways being proposed for Alder Place. Staff felt the north driveway to be located on Alder Place was sufficient to meet the needs for both access and circulation.

Expansion of Lodi Memorial Hospital Parking Lot to accommodate an additional 49 cars.

Commissioner McGladdery asked if the hospital owns the property west of Alder Place and where visitors to the hospital and complex currently park. Associate Planner

Veerkamp responded that the hospital did own the property and that visitors now park on site, but the hospital does not meet the parking standards today.

Commissioner Mattheis questioned if the street is private. Community Development Director Bartlam stated that the street was privately owned. The hospital and developer put the street in and maintenance has been 50/50 between the hospital and residents of Alder Place.

Commissioner Rasmussen asked if the southern driveway was removed, would there still be 49 parking spaces. He also questioned why the access closest to Vine Street was being deleted. Community Development Director responded that the north driveway was sufficient and the southern driveway was redundant.

Commissioner Rice questioned the hours of operation. Associate Planner Veerkamp stated that it was basically a day use facility; therefore, traffic would not be heavy in the evening.

Commissioner Borelli asked what the consequences would be if both driveways were removed on Alder Place. Community Development Director Bartlam stated that the only other option would be to utilize the driveways on Vine Street.

Hearing opened to the Public

Terry Piazza, Baumbach & Piazza, 323 W. Elm Street. Mr. Piazza was present to represent the hospital. He gave a brief history on how Alder Place came into existence. He shared that the hospital built the 60 foot road with the intention of building doctor's offices in the future. Alder Place was designed to handle a large volume of traffic. The land the hospital owns is zoned commercial and the hospital must use the road as a necessity for their growth. He did not agree with Item B on the resolution regarding removal of the southern-most driveway on Alder Place. He further stated that to create a driveway on Vine Street would create more traffic problems. He felt that the hospital owns the property and has the right to develop the property.

Joe Harrington, 2017 Cochran Road - Employee of Lodi Memorial Hospital. Since the hospital acquired the property, services has grown and traffic in the parking lot has increased. He wanted to find a resolution to the problem so that Alder Place residents are satisfied. Over the coming years, the remaining property will be developed. He stated that most of the traffic comes to the hospital during the hours of 8:00 a.m. to 6:00 p.m. Monday thru Friday.

Tim Howard, 852 Alder Place. Mr. Howard thanked the Commission for granting the previous continuance. He stated that the hospital has been a good neighbor. He wanted to limit access onto Alder Place since it is a private road. He hired a traffic consultant to research the traffic numbers that Alder Place may encounter should the driveway be allowed on Alder Place. He was concerned that a Negative Declaration was not prepared for this project. He felt that the project should not be exempt from having a Negative Declaration prepared.

Gary Hansen, CCS Planning and Engineering Inc., 530 Bercut Drive, Suite B, Sacramento, CA. Mr. Hansen stated that the driveway on Alder Place is not needed

from a capacity nor circulation standpoint. He felt that an eastern driveway on Vine Street would be adequate. He stated that currently there is an average of 120 daily trips on Alder Place, with the proposed driveways on Alder Place the daily trips would double. He felt that traffic from office and retail uses should not be directed to a residential street.

Tom Patterson, 868 Alder Place. Mr. Patterson reminded the Commission that the Alder residents do own half of the road. He notices delivery truck traffic all day at the hospital and has also observed kids "grinding" at the "hot tub" planter located on the corner of Vine Street and Alder Place. He was also concerned that they will not be able to obtain order on their street due to it being a private street.

Emily Howard, 852 Alder Place. Mrs. Howard pointed out that the hospital had no access to their property via Lower Sacramento Road. She was concerned that people visiting or working for the hospital will park along Alder Place. She wanted to keep Alder Place quiet and felt that keeping the driveways off Alder Place would provide better security for the hospital. She suggested that the Alder Place residents would maintain the street 100% if no driveways were to be installed on Alder Place.

Valerie Patterson, 868 Alder Place. She was also concerned that added traffic would impact Alder Place. She also had a concern about the caliber of the clients that visit the hospital.

Hearing Closed to Public

Commissioner Stafford asked staff if parking would be allowed on the west side of Alder Place. Community Development Director Bartlam stated that it was a possibility because there would not be any law enforcement on the private street.

Commissioner Mattheis questioned if a wreck was to take place on the street, would the City of Lodi Police Department respond. Deputy City Attorney Luebberke stated that the vehicle code can not be enforced on private streets; however, any crimes, such as burglary and theft, would be investigated. He then questioned why a Negative Declaration had not been done for the project. Community Development Director Bartlam responded that since the project was a small parking lot addition to an existing use, it was exempt.

The Planning Commission on motion of Commissioner Rasmussen, Mattheis second, approved the Use Permit allowing the expansion of the Hospital's West Campus parking lot to accommodate an additional 49 cars subject to the conditions set forth in the Resolution by the following vote:

AYES: Commissioners: Borelli, Mattheis, McGladdery, Rasmussen, Rice,
and Chairman Schmidt
NOES: Commissioners: Stafford
ABSENT: Commissioners
ABSTAIN:

Vote on Use Permit
allowing expansion
of parking lot for
Lodi Memorial
Hospital's West
Campus.



MEMORANDUM, City of Lodi, Community Development Department

To: Planning Commission
From: Community Development Department
Date: October 14, 1998
Subject: Request of Lodi Memorial Hospital for approval of a Use Permit allowing the expansion of the Hospital's West Campus parking lot to accommodate an additional 49 cars.

SUMMARY

The proposed project is an expansion of the parking facilities at the existing Lodi Memorial Hospital West Campus, which is zoned R-CP, Residential, Commercial-Professional. The parking will serve the on-site medical offices and dialysis facility. The medical offices operate weekdays from 8:00 AM to 5:00 PM and Lodi Dialysis operates Monday through Saturday from 6:00 AM to 6:00 PM. There are 30 employees who work in the medical office building in addition to 20 exam rooms and 12 dialysis stations. The maximum number of people in the building at any given time is 82.

The proposed area of work is roughly 330 feet long by 80-feet-wide and is located on the east side of the hospital complex between the existing medical offices and Alder Place, a private street serving single family residences to the east. Access is to be provided by two new driveways entering from Alder Place. There are 33 regular parking spaces in the current parking lot, four (4) of which are handicapped spaces, with related curbing, lighting, and landscaping.

Upon completion of the work, there will be a net increase of 49 parking spaces along with improved circulation throughout the entire parking lot. In addition to the new paved area, there will be new parking lot lighting and new landscaping to screen the parking area from the homes across Alder Place. Finally, the "hot tub" planter on the north west corner of West Vine and Alder Place will be removed and replaced with curb, gutter, and sidewalk, and the existing driveway cut in the curb along West Vine Street will be removed. If necessary, the hospital is prepared to provide security patrols in the parking area after hours.

BACKGROUND

Lodi Memorial Hospital West Campus has been in existence since approximately 1965 when it first received a Use Permit from San Joaquin County Planning. Because of the proximity to the Lodi City limits, the Lodi Planning Commission was consulted about this proposed use and did issue a letter of standard conditions which was filed with the County's approval.

In 1969, the hospital applied for another Use Permit; this time for a 20 bed expansion project. Again, the City of Lodi was consulted about the project and issued a letter of standard conditions, kept with the County's approval. This expansion project was also reviewed by the Lodi Site Plan and Architectural Review Committee.

Access to and through the hospital property has been an ongoing concern for the hospital as it continued to expand. There has historically been a shortage of parking for the complex and circulation has been problematic for many years. Furthermore, when an emergency department was added in 1982, the west campus became a full service treatment center, creating additional parking and circulation pressures. A road or driveway was added at this time to provide the necessary access for supply trucks and other vehicles to service the hospital. At the time, the road connected with a through street called Community Drive, which would later become the cul-de-sac that is now Alder Place.

When the hospital's main complex on Fairmont Avenue came on line, the west campus became, and still is, primarily an after-care recovery facility along with doctor's offices. Since then, the service road has been used only on occasion. Recently, some problems have arisen surrounding the service driveway, particularly with trucks driving around the locked gate stirring up dust. A further discussion of this and other issues follows in the sections below.

On September 9, the Planning Commission conducted a public hearing on this item. A continuance of the item was granted at the request of Alder Place residents to give them an opportunity to discuss the project with the hospital. An informal meeting was then held on September 18 at Lodi Memorial's main complex with staff in attendance. The major issue discussed was the new driveway(s) onto Alder Place. Lodi Memorial wants to utilize this frontage to access their new parking lot, while residents do not want to see any hospital traffic on Alder Place whatsoever. Both parties expressed their points of view on this subject, but were unable to reach any mutual agreement. At the Planning Commission meeting of September 23, the item was granted another continuance to allow further discussion between the two parties; however, no additional meeting between Lodi Memorial and the Alder Place residents has taken place.

SITE ISSUES

In general, staff is satisfied with the basic proposal. Completion of the new parking lot should rectify the long-standing parking shortage at the hospital and it will eliminate the dead-end parking row situation by providing ingress and egress at both ends of the parking lot. The landscaping and lighting improvements will satisfy staff's requirements for such features.

However, several issues warranted further discussion with the applicant. With respect to landscaping or otherwise screening the parking lot, staff is recommending a three (3) foot tall barrier along the eastern edge of the property to mitigate any visual impacts on the residents. In addition, denser landscaping should be installed to prevent any large gaps or openings, for example, in-between trees. Furthermore, we are recommending the landscaping strip be extended the entire length of Alder Place to provide a continuous

buffer for the residences from the remaining unimproved (dirt) portion of the parcel. A matching barrier in this location should be required at the time of development.

Regarding the existing service driveway at the back of the hospital along the north property line, staff originally recommended either improving the road or removing it. This driveway connects the back of the hospital with Alder Place. Currently, the road is only used on occasion; however, problems have arisen in the recent past with trucks bypassing a locked gate by driving across the dirt creating dust in the process. The road also lacks basic improvements such as curbing and gutters and is in a general state of disrepair. Since the road is used very infrequently, we discussed removing it altogether, but the hospital has stated they want to maintain the possibility of reopening it in the future. As an alternate solution, the hospital is proposing to screen the driveway from Alder Place by completely closing it off at the street. This will be done by extending the berming/landscaping across the driveway, providing a physical barrier which will hide it from view and keep vehicles out.

TRAFFIC ISSUES

By far the most controversial issue has been the proposed access onto Alder Place. Residents of Alder Place simply do not want any traffic other than residential traffic on this street (a number of letters to this effect are included in this packet). Representatives of the hospital met with the residents to try and work through this issue, but there remains some disagreement. Residents are opposed to the use of Alder Place for hospital traffic and have suggested that allowing such additional traffic will overburden the street and create an unsafe situation.

While not an in-depth traffic study, staff has attempted to estimate the amount of new traffic on Alder Place as a result of the parking lot project. Using the hospital's figures and with the help of the City's Traffic Engineer, a total of 320 daily trips are being generated by the office complex, the equivalent of 32 single family residences. These are not peak hour trips as the medical offices see clients steadily throughout the day. According to City standards, Alder Place was constructed to handle between 500 and 4,000 daily trips. Therefore, the capacity of Alder Place far exceeds any additional load that will be placed on it as a result of the parking lot, even if it absorbed the full 320 daily trips. Ultimately, the number of new trips on Alder Place will be less than 320 as clients will continue to enter from the existing drive on West Vine Street. It should be noted that no new building square footage is being proposed, only additional parking.

Secondly, staff has told the applicant that we would require the removal of the southern-most of the two new driveways being proposed for Alder Place. Staff feels, that given the design and location of the new parking lot, the north drive as shown on Alder Place is adequate to meet the needs for both access and circulation.

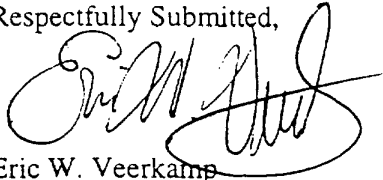
Staff's position remains unchanged regarding a driveway on Alder Place. Without access from both West Vine Street and Alder Place, circulation within and through the parking lot will not be adequate. If the Alder Place driveways are eliminated, the options are to either add no additional driveways, instead maintaining the two driveways currently in

use from West Vine Street, or to add a third driveway from West Vine at the location of the existing curb cut.

RECOMMENDATION

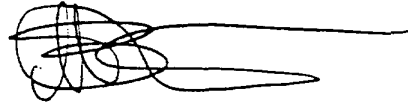
Staff recommends that the Planning Commission approve the request of Lodi Memorial Hospital for approval of a Use Permit allowing the expansion of the hospital's West Campus parking lot to accommodate an additional 49 cars, subject to the conditions on the attached Resolution.

Respectfully Submitted,



Eric W. Veerkamp
Associate Planner

Reviewed & Concur,



Konrad Bartlam
Community Development Director

KB/EV/lw

Attachments

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: October 14, 1998

APPLICATION NO: Use Permit 98-07

REQUEST: Approval of a Use Permit allowing the expansion of the parking lot for Lodi Memorial Hospital to yield 49 new parking spaces.

LOCATION: 2407 West Vine Street

APPLICANT: Baumbach and Piazza
323 West Elm Street
Lodi, CA 95240

PROPERTY OWNER: Lodi Memorial Hospital
975 South Fairmont Avenue
Lodi, CA 95240

Site Characteristics:

General Plan Designation: O, Office

Zoning Designation: RCP, Residential, Commercial-Professional

Property Size: 2.72 acres

Adjacent Zoning and Land Use:

North: RCP, Residential Commercial Professional: Property to the north of the subject property is vacant, graded land.

South: PD 25: This is the Sunwest single-family subdivision.

East: RCP, Residential Commercial Professional: Properties to the east of the subject site are single family homes along Alder Place.

West: RCP, Residential Commercial Professional: To the east of the subject site is the existing hospital, related buildings, and parking areas.

Neighborhood Characteristics:

The hospital complex sits near the western edge of the City limits at the corner of West Vine Street and South Lower Sacramento Road. While the hospital is a visible feature in this area due to its size and the fact that it is on a prominent corner, neighboring properties on the north, east, and south contain single family homes. To the west of the site of the hospital complex, across Lower Sacramento Road, is the Temple Baptist Church and related uses and agricultural land.

ENVIRONMENTAL ASSESSMENTS:

A Notice of Exemption was prepared for this project. No significant impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on August 29, 1998 and September 12, 1998. On August 28, 1998 a total of 63 notices were sent to all property owners of record within a 300-foot-radius of the subject property.

RECOMMENDATION:

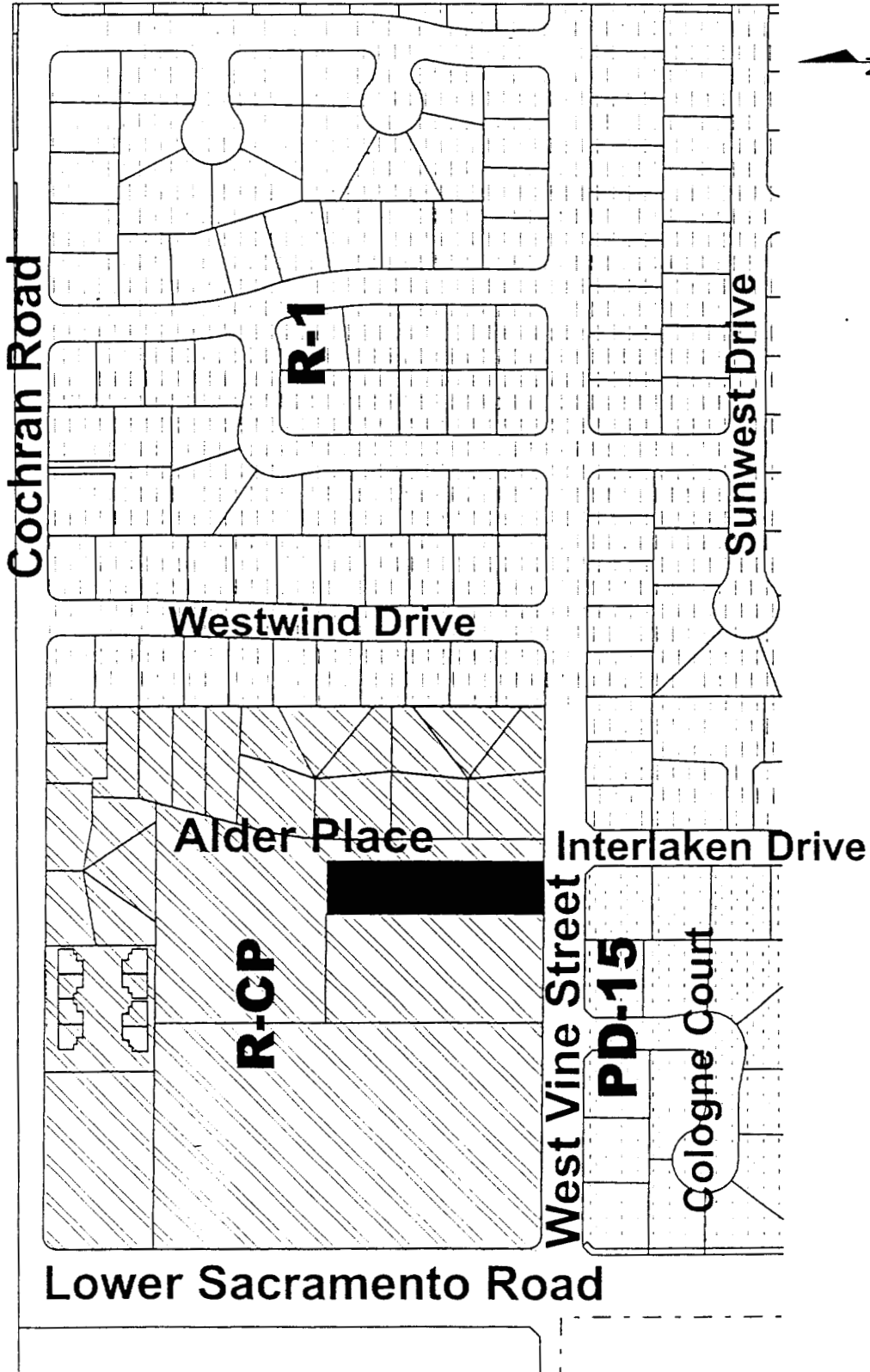
Staff recommends that the Planning Commission approve the request for a Use Permit allowing an expansion of the Lodi Memorial Hospital parking lot for 49 new spaces, subject to the conditions as set forth in the attached Resolution.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Use Permit with alternate conditions
- Deny the Use Permit
- Continue the Request

ATTACHMENTS:

1. Vicinity Map
2. Draft Resolution
3. Site Plan
4. Aerial Plan



Lodi Mem. Hospital W. Campus
 Parking Lot Expansion
 2407 West Vine Street
 U-98-07 9/9/98

RESOLUTION NO. P.C. 98-17

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
APPROVING THE USE PERMIT REQUEST OF LODI MEMORIAL HOSPITAL
FOR AN EXPANSION PROJECT TO ADD A 49 SPACE PARKING LOT TO
THE WEST CAMPUS**

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.72.070.

WHEREAS, the project proponent is Lodi Memorial Hospital, 975 South Fairmont Avenue, Lodi, CA 95240.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

WHEREAS, the property is zoned RCP, Residential, Commercial-Professional.

WHEREAS, the property is located at 2407 West Vine Street.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows.

1. A Notice of Exemption has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided thereunder. Further, the Commission has reviewed and considered the information contained in said Notice of Exemption with respect to the project identified in this Resolution.
2. The Planning Commission finds that approval of the Use Permit will not be adverse to sound planning practice.
3. It is found that the proposed Use Permit is consistent with all applicable general and specific plans
4. It is hereby found that the site is physically suitable for the proposed type of development.

Use Permit Application No. U-98-07 is hereby approved, subject to the following conditions:

- a) The 20 foot landscape strip adjacent to the new parking lot shall contain either an earthen berm or solid wall, or combination of both, to provide a minimum three (3) foot tall barrier. In addition landscaping shall be extended the full length of Alder Place, including across the service driveway. For this additional length, a full 20 feet is preferable, but a minimum of 10 feet is required.

- b) The southern-most of the proposed two driveways on Alder Place shall be removed and replaced with landscaping. The north driveway at the indicated location shall remain.
- c) Detailed landscaping and sprinkler plans showing precise numbers and types of trees and shrubs shall be submitted and approved prior to the start of construction.
- d) The trash enclosure shall be reoriented so that it faces south towards West Vine Street, as opposed to east.
- e) Payment of Development Impact Mitigation Fees is required prior to the start of construction of the parking lot expansion.
- f) Abandon existing easterly driveway on West Vine Street and replace with curb, gutter and sidewalk conforming to Standard Plan 135. This work requires an encroachment permit from the Public Works Department.
- g) Install an on-site drainage system for the parking lot expansion and connect to the existing on-site drainage system.
- h) The new driveway on Alder Place should be a commercial driveway conforming to Standard Plan 114.

Dated: October 14, 1998

I hereby certify that Resolution No. 98-17 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on October 14, 1998, by the following vote:

AYES: Commissioners: Borelli, McGladdery, Mattheis, Rasmussen, Rice, and Chairman Schmidt

NOES: Commissioners: Stafford

ABSENT: Commissioners:

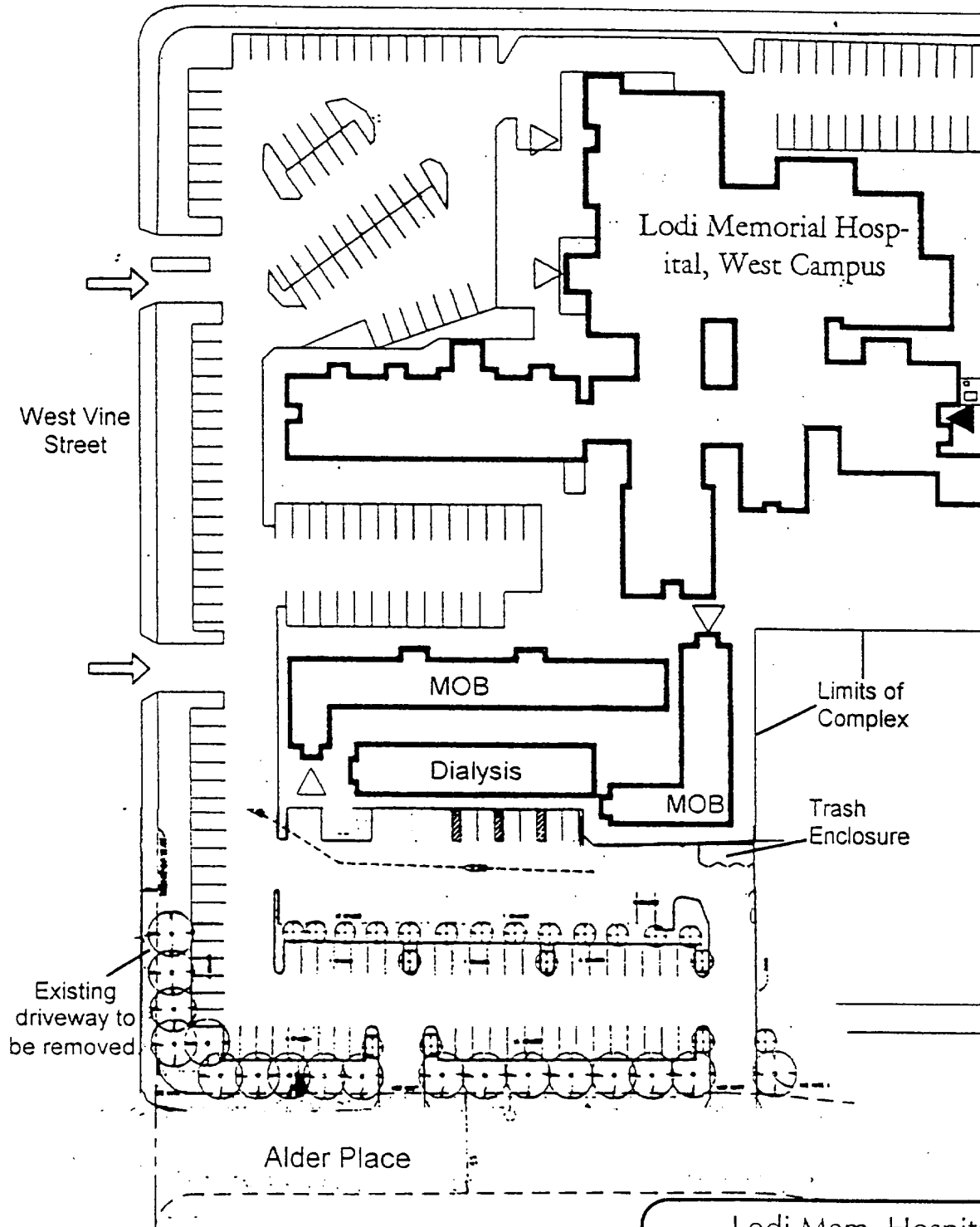
ABSTAIN: Commissioners:

ATTEST:



Secretary, Planning Commission

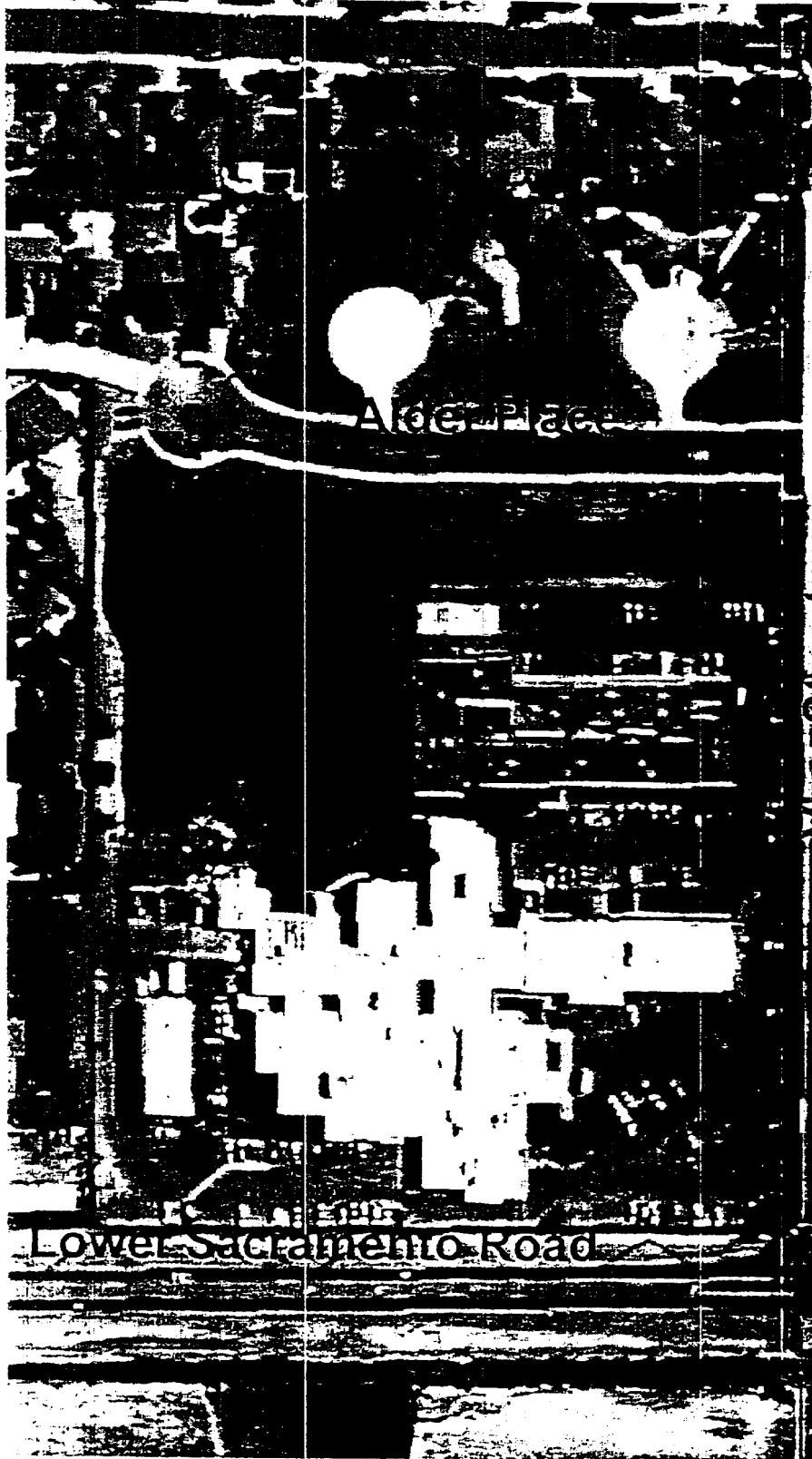
South Lower Sacramento Road



Lodi Mem. Hospital
Parking Expansion
2407 W. Vine Street

U-98-07

9/9/98



Lodi Mem. Hospital W. Campus
Parking Lot Expansion
2407 W. Vine Street

9/9/98

U-98-07

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RECORDING REQUESTED BY AND 91118375
WHEN RECORDED SEND TO:

Furnished
c/o Elmer Necker, M. D.
205 S. Crescent Ave.
Lodi, Ca. 95240

SAN JOAQUIN COUNTY
REGISTERED OFFICE
JAMES M. CONNORS

91 DEC -6 AM 8:00

RECORDED AT REQUEST OF
CENTRAL VALLEY LIFE COMPANY

CTC 520141
CVT 63863

AGREEMENT FOR RECIPROCAL EASEMENTS

This Agreement ("Agreement") dated as of September 23, 1991, is made by LODI MEMORIAL HOSPITAL ASSOCIATION, INC., A California Non-Profit Public Benefit Corporation ("HOSPITAL"), FARMNED, A California Limited Partnership ("FARMNED") and MURIEL F. ROGET, Trustee of the Rainbow Trust ("ROGET").

PRELIMINARY STATEMENT

A. HOSPITAL is the owner of the fee estate in Parcel A as shown on the attached Map (hereinafter called the "Map"). Included in Parcel A is real property (hereinafter Parcel 1) a full and correct legal description of which is attached hereto and is shown by diagram on the Map.

B. FARMNED is the owner of the fee estate in Parcel B as shown on the Map. Included in Parcel B is real property (hereinafter Parcel 2) a full and correct legal description of which is attached hereto and is shown by diagram on the Map.

C. ROGET is the owner of the fee estate in Parcels C and D and shown on the Map. Included in Parcels C and D is real property (hereinafter Parcel 3) a full and correct legal description of which is attached hereto and is shown by diagram on the Map.

D. As shown on the Map, Parcels 1, 2 and 3 are parallel and coterminous with one another. The easements to be granted and reserved in the strips are identified on the Map as Parcels 1, 2 and 3 and hereinafter are collectively referred to as the "Joint Access Easement".

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E. The parties intend and the City of Lodi requires that the owners of Parcel A, Parcel B and Parcels C and D have joint and reciprocal rights and easements in the Joint Access Easement for purposes of access to and from their properties and that the owners be jointly responsible for the maintenance of the Joint Access Easement. The parties are recording this Agreement for purposes of establishing such joint and reciprocal easements over the Joint Access Easement and setting forth the duties of the owners of Parcel A, Parcel B and Parcels C and D with respect to the maintenance of the Joint Access Easement.

NOW THEREFORE, the parties agree as follows:

1. Reciprocal Grant and Reservation of Rights in Joint Access Road Easement. Each party to this Agreement hereby grants to each other party to this Agreement, their successors and assigns, as an appurtenance to the contiguous property of the other parties, the portion of the Joint Access Easement burdening the Parcel of the granting party. The Joint Access Easement shall be for purposes of surface access to and from driveways, sidewalks and other areas of public access now or hereafter located on Parcels A, B, C or D connecting from any of said Parcels to the Joint Access Easement. The easement shall be subject to the existing permanent easements to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in, over and across the Joint Access Easement.

2. Joint Obligation for Work. The owners of Parcels 1, 2 and 3, (the "Owners") shall share in the costs of maintaining, repairing, replacing or reconstructing (such activities being

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collectively called "Work") all improvements within the boundaries of the Joint Access Easement to the extent that the need for the Work arises from ordinary wear and tear or causes attributable to the fault or neglect, regardless of degree, of all of the Owners or their employees, agents, contractors or invitees. Parcel 1's share of the cost of the Work arising under this Paragraph 2 shall be one-half (1/2) thereof. The remaining one-half (1/2) cost of the Work shall be the joint and several liability of the Owners of parcels 2 and 3.

3. Several Obligation for Work. If any Work with respect to any of the improvements within the boundaries of the Joint Access Easement arises because of the fault or neglect of one but not the other Owner or the fault or neglect of one of the Owner's employees, agents, contractors or invitees, then the cost of the Work shall be borne entirely by such Owner.

4. Performance of Work.

(a) If the need for Work arises pursuant to Paragraph 2, then the Owners shall consult with one another as to the time and manner in which it shall be performed. Except in cases of an emergency, as described in Paragraph 4(d), if the cost of the Work is likely to exceed Five Hundred Dollars (\$500), any of the Owners can require that three (3) competitive bids be obtained. If competitive bids are received, the Work shall be performed by the lowest responsible bidder. In the event of an emergency, the Owner present at the time it occurs may contract for such Work as is necessary to abate the emergency without requirement of competitive bids.

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(b) If the need for Work arises pursuant to Paragraph 3 and the negligent Owner has not commenced the Work within thirty (30) days of the occurrence causing the need therefor (or within such shorter period as is consistent with an emergency) the non-negligent Owners may contract for the Work but the negligent Owner shall bear the cost thereof.

(c) All contracts for Work shall be in writing and shall be enforceable by and against all of the Owners (or the negligent Owner).

(d) For purposes of this Paragraph 4, an emergency arises when an event or occurrence, whether at the time thereof or at some later time, renders the Joint Access Easement, in whole or in part, impassable or unusable, or creates a condition which imperils or endangers any of the Parcels.

5. Payment for Work. The Owner or Owners obligated for a share of the cost of any Work, whether or not signatory to the contract therefor, shall advance its share of such costs in accordance with the terms of such contract. Neither Owner shall be obligated to advance the other Owner's share of the costs except that, if such advance becomes necessary to extinguish a lien against an advancing Owner's Parcel, it may advance all sums necessary to extinguish such lien against an advancing Owner's Parcel, it may advance all sums necessary to extinguish such lien and obtain immediate reimbursement from the non-advancing Owner.

6. Costs of Maintenance as Personal Obligation. The costs arising in connection with any Work shall be the personal obligations of the Owners owning the Parcels at the time the

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contract for the Work was executed and shall remain the personal obligation of such Owners notwithstanding any sale or transfer of a Lot. A successor Owner shall not be responsible for the costs of Work arising under a contract executed before it took title to a Parcel unless, by a writing, it expressly assumes the obligation therefor. Each Owner warrants to the other that no Work has been contracted for which remains unpaid as of April 15, 1991.

7. RECIPROCAL INDEMNIFICATION. Each Owner ("Indemnitor") agrees to indemnify, defend and hold the other Owner ("Indemnitee") harmless against liabilities, liens, claims, demands, damages and costs (including reasonable attorneys' fees) arising out of the Indemnitor's, or its employees', agents', contractors' or invitees' willful or negligent acts or omissions in connection with the use of the Joint Access Easement and the Indemnitor's unexcused failure to pay its share of costs incurred in connection with any Work.

8. Arbitration of Disputes.

(a) If a dispute shall arise between the Owners with respect to any term, covenant or condition contained in this Agreement, then such dispute shall be submitted to binding arbitration to be conducted by a single neutral arbitrator in accordance with the rules of commercial arbitration of the American Arbitration Association. Such arbitration shall be commenced and conducted pursuant to the provisions of Section 1280 et seq. of the California Code of Civil Procedure. Fees and expenses of the arbitration shall be borne by the disputing Owners in accordance with Section 1284.2 of the Code of Civil Procedure

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and the attorneys' fees and witness fees for the prevailing party or parties, as determined by the arbitrator shall be borne by the non-prevailing party or parties.

(b) No Owner shall be entitled to compel arbitration or bring any suit or action with respect to its obligations to share in the costs of Work, the appropriateness of the costs incurred or to be incurred or the apportionment of the costs among the Owners unless it shall have notified the Owners approving such Work, in writing, of its intent to do so within five (5) working days after it discovers that the contract is to be let and, thereafter, commences the arbitration proceeding within thirty (30) days after rendering notice to the Owners who approved the contract.

9. Severability. If any term, provision, covenant or condition of this Agreement is held to be invalid or otherwise unenforceable, the rest of this Declaration shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

10. Mortgage Protection. Nothing contained in this Agreement shall impair or defeat the lien of any mortgage or deed of trust made in good faith and for value, but title to any property subject to this Agreement, obtained through foreclosure sale in satisfaction of any such mortgage or deed in lieu thereof, shall thereafter be held and transferred subject to all of the restriction and provision hereof.

11. No Waiver. The provisions of this Agreement are declared to constitute mutual equitable servitudes for the

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protection and benefit of each of Parcels A, B, C and D. Failure to enforce any measure or provision upon violation thereof shall not preclude any enforcement thereafter or be deemed a waiver of the right to do so.

12. Amendment. This Agreement may be amended by a recorded writing duly executed and acknowledged by the Owners.

13. Binding Effect. Each grantee of a conveyance in fee, purchaser of an equitable estate or interest under a contract or agreement or sale and lessee owning a leasehold estate of any duration by accepting a deed, a contract of sale or an agreement of purchase, lease or rental agreement accepts the same, subject to all of the covenants, restrictions, easements and agreements set forth in this Agreement and agrees to be bound by the same.

14. Rights of Enforcement. Either Owner, so long as it is an Owner, shall have the right to enforce all provisions of this Agreement. Failure by an Owner to enforce any provision hereof shall in no event be deemed a waiver of the right to do so thereafter. Enforcement shall be by binding arbitration as provided in Paragraph 8 except that if the court, after petition, shall refuse to compel arbitration, then enforcement may be had by a proceeding at law or in equity.

15. Legal Fees. If any action at law or in equity is initiated to enforce any of the provisions hereof, including, without limitation, an action to compel arbitration or to confirm an award in arbitration, the prevailing party shall be entitled to recover reasonable attorneys' fees in addition to the costs of such proceeding. The prevailing party shall mean the party so

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designated by the court pursuant to Section 1717(b) of the California Civil Code or any successor party thereto.

IN WITNESS WHEREOF, each Owner has executed this Agreement of Reciprocal Easements as of September 23, 1991.

LODI MEMORIAL HOSPITAL ASSOCIATION, INC.
A California Non-Profit Public Benefit Corporation

By Alfred R. Metzler
Title President

FARMED, A California Limited Partnership

By Elmer Necker
Elmer Necker, General Partner

By Gordon B. Roget
Gordon B. Roget, General Partner

By Willard G. Roget
Willard G. Roget, General Partner

By Walter E. Howen
Walter E. Howen, General Partner

MURIEL F. ROGET, Trustee of The Rainbow Trust

Muriel F. Roget Trustee
Muriel F. Roget

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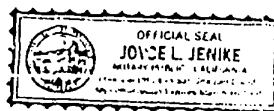
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STATE OF CALIFORNIA)
 **
 COUNTY OF SAN JOAQUIN,

On October 23, 1991, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Ole R. Mettler, personally known to me or proved to me on the basis of satisfactory evidence to be the President of Lodi Memorial Hospital Association Inc., a California non-profit Public Benefit corporation, the corporation that executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

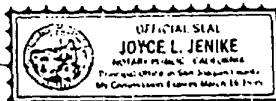
Joyce L. Jenike
 Joyce L. Jenike NOTARY PUBLIC



STATE OF CALIFORNIA)
 **
 COUNTY OF SAN JOAQUIN)

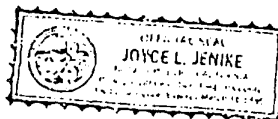
On November 25, 1991, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Muriel F. Roget, as Trustee of the Rainbow Trust, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged that she executed the same.

Joyce L. Jenike
 Notary Public Joyce L. Jenike



STATE OF CALIFORNIA
 COUNTY OF San Joaquin
 On this 26th day of November, in the year 1991, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Elmer Hocker, M.D., Willard G. Fessler, M.D., and Walter E. Howen, M.D., personally known to me or proved to me on the basis of satisfactory evidence to be three of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

Joyce L. Jenike
 Signature
 Joyce L. Jenike
 Name (Typed or Printed)
 Notary Public in and for said County and State



CHICAGO TITLE
 PARTNERSHIP

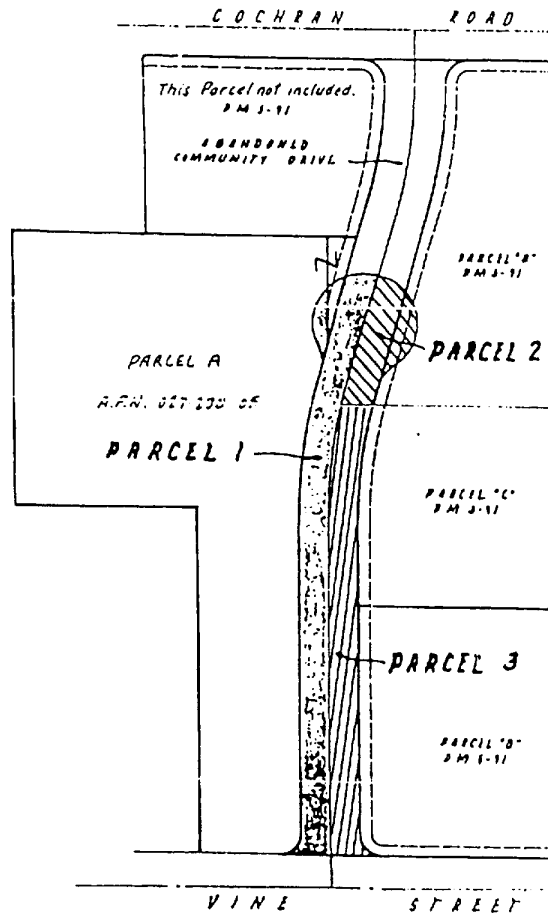
P. 2493 H 11-82

FOR NOTARY SEAL OR STAMP

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civil engineers

323 West Elm Street
Lodi, California 95240



BAUMBACH & PIAZZA, INC.

Phone (209) 368-6618

APRIL 12, 1991
JOB NO. 40160

LEGAL DESCRIPTION
PARCEL "1" (HOSPITAL)

A portion of the Northeast Quarter of Section 10, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, more particularly described as follows:

COMMENCING at the center of Section 10, Township 3 North, Range 6 East, and run along the South line of said Northeast Quarter, South 89° 12' 30" East, 693.81 feet to the intersection of the center line of Vine Street and abandoned Community Drive as abandoned by Order Vacating Community Drive, recorded January 3, 1983, Instrument No. 83000208, San Joaquin County Records; thence along the center line of said Community Drive, North, 32.00 feet to the True Point of Beginning; thence North 89° 12' 30" West, 47.78 feet to a point on a curve from which the radius point bears North 0° 47' 30" East, 70.00 feet; thence northeasterly along said curve, having a radius of 20.00 feet, a central angle of 90° 47' 30" and an arc length of 31.69 feet; thence North 297.34 feet; thence along a curve to the right having a radius of 327.30 feet, a central angle of 15° 07' 37" and an arc length of 139.27 feet; thence North 15° 07' 37" East, 14.28 feet; thence along a curve to the left having a radius of 52.00 feet, a central angle of 23° 15' 15", and an arc length of 21.10 feet to a point of reverse curvature; thence along a curve to the right having a radius of 48.00 feet, a central angle of 129° 11' 49" and an arc length of 108.24 feet, to a point on the center line of abandoned Community Drive; thence along said center line South 15° 07' 37" West, 111.20 feet; thence along a curve to the left having a radius of 300.00 feet, a central angle of 15° 07' 37" and an arc length of 132.01 feet; thence South, 318.00 feet to the Point of Beginning.

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civil engineers

323 West Elm Street
Lodi, California 95240



BAUMBACH & PIAZZA, INC.

Phone (209) 348-6616

LEGAL DESCRIPTION
PARCEL "2" (FARMED)

A portion of the Northeast Quarter of Section 10, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, more particularly described as follows:

COMMENCING at the center of Section 10, Township 3 North, Range 6 East, and run along the South line of said Northeast Quarter, South 89° 12' 30" East, 695.85 feet to the intersection of the center line of Vine Street and abandoned Community Drive as abandoned by Order Vacating Community Drive, recorded January 3, 1983, instrument No. 65000208, San Joaquin County Records; thence along the center line of said Community Drive, North 350.00 feet; thence along a curve to the right having a radius of 500.00 feet, a central angle of 12° 34' 49" and an arc length of 112.69 feet to the True Point of Beginning; thence continue along said curve to the right, having a radius of 500.00 feet, a central angle of 2° 12' 48" and an arc length of 19.32 feet; thence North 15° 07' 37" East, 111.20 feet to a point on a curve from which the radius point bears South 15° 07' 37" West, 49.00 feet; thence to the right along said curve having a central angle of 129° 11' 48" and an arc length of 108.24 feet to a point of reverse curvature; thence along a curve to the left having a radius of 52.00 feet, a central angle of 23° 15' 15" and an arc length of 21.11 feet to a point on the West line of Parcel "B" as shown on that certain Parcel Map filed for record December 16, 1977 in Book 5 of Parcel Maps at page 91, San Joaquin County Records; said line also being the East line of abandoned Community Drive; thence run along said West line South 15° 07' 37" West, 14.28 feet; thence along a curve to the left having a radius of 472.50 feet, a central angle of 1° 29' 46" and an arc length of 12.34 feet to the Southwest corner of said Parcel "B"; thence North 89° 12' 30" West, 28.17 feet to the Point of Beginning.

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civil engineers

323 West Elm Street
Lodi, California 95240



BAUMBACH & PIAZZA, INC.

Phone (209) 368-6618

LEGAL DESCRIPTION
PARCEL "3" (MURIEL ROGET)

A portion of the Northeast Quarter of Section 10, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, more particularly described as follows:

That portion of the East Half of abandoned Community Drive as abandoned by Order Vacating Community Drive, recorded January 3, 1983, Instrument No. 83000208, San Joaquin County Records, lying between the westerly extension of the North line of Parcel C as shown upon that certain Parcel Map recorded December 16, 1977 in Book 5 of Parcel Maps at page 91, San Joaquin County Records, and the westerly extension of the South line of Parcel D as shown upon that certain Parcel Map filed for record December 16, 1977 in Book 5 of Parcel Maps at page 91, San Joaquin County Records.

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2012 10-14 "C" 92038076

RECORDING REQUESTED BY, AND
WHEN RECORDED RETURN TO:

Chicago Title Insurance Company
801 S. Ham Lane #A
Lodi, CA 95241

SAN JOAQUIN COUNTY
RECORDER'S OFFICE
JAMES M. JOHNSTONE

92 APR -3 AM 8:00

RECORDED AT REQUEST OF

~~Chicago Title Company~~

DECLARATION OF
STREET MAINTENANCE AGREEMENT

22-1

This Declaration of Street Maintenance Agreement (hereinafter referred to as "Agreement") is made on the date set forth below by Vinewest Development, a General Partnership (hereinafter collectively referred to as "Declarant")

This Agreement is made with reference to the following facts:

A. Description of Real Property. Declarant is the owner of that certain real property located in the City of Lodi, San Joaquin County, California, which is more particularly described in Exhibit "A" attached hereto and incorporated herein.

B. Purpose of Agreement. The purpose of this Agreement is to establish the basic rights, agreements and responsibilities of the parties hereto, their successors and assigns and all parties having or acquiring any right, title or interest in or to the real property described above (hereinafter referred to as "Owner" or "Owners"), with regard to the maintenance of the private street easement ("Street") and portions thereof, as said Street is described in Exhibit "B" hereto.

NOW, THEREFORE, Declarant hereby declares that the real property described above shall be held, conveyed, mortgaged, encumbered, leased, rented, used, occupied, sold and improved, subject to the following agreements, declarations, limitations, covenants, conditions, restrictions, street maintenance requirements, easements, and assessments, all of which are for the purpose of enhancing and protecting the value and attractiveness of the real property described above, and every part thereof, in accordance with the plan for improvement of said property. All of the agreements, declarations, limitations, covenants, conditions, restrictions, maintenance obligations, easements and assessments, shall constitute covenants which shall run with the land and shall be binding upon Declarant and its successors and assigns, and all parties having or acquiring any right, title or interest in or to the real property described above.

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NOW, THEREFORE, the undersigned agree as follows:

1. Covenant. This Agreement is entered into by all of the parties signatory hereto in connection with their rights with regard to said street and shall be deemed to be a covenant running with the land binding each party hereto, their heirs, devisees, successors, assigns and grantees, who shall be Owners of any of the property above described to comply with each term thereof. This Agreement provides a general plan for the maintenance, care, upkeep and replacement of that certain Street described above, and shall be for the benefit of each parcel of property above described and shall be an obligation of each Owner thereof, and is entered into to provide for reasonable maintenance and repair of the Street which provides access to all of the parties signatory hereto and their respective parcels of real property.

2. Maintenance and Repairs. Maintenance and repair to be undertaken and performed under this Agreement include only such as shall be required to maintain and repair the said Street as it exists at the time this Agreement is recorded in the Office of the San Joaquin County Recorder, and shall exclude any improvement above the condition as it exists at the time of recordation of this Agreement, provided that nothing herein contained shall prevent the parties by unanimous agreement as to the respective parcels to cause improvement over and above the maintenance and repair herein provided to take place. It is specifically understood that all owners of the real property described hereinabove shall be, as of the commencement of this Agreement, responsible for the maintenance and repair of the Street.

In the event that any Owner desires that maintenance and repairs be performed on the above-referenced street and cannot obtain the concurrence of a majority of Owners within six months after written request for such concurrence, said Owner shall have the right to apply for such relief as may be available under the provisions of California Civil Code Section 845 (or amendments thereof) as if this Section entitled "Maintenance and Repairs" were not in effect, except that the allocation of payment for such maintenance and repairs shall be as provided in the Section entitled "Maintenance Costs".

3. Additional Repairs. Each party agrees not to undertake any additional repairs or maintenance not specified in this Agreement without first obtaining the express written consent of all other parties.

4. Easement for Maintenance. For the sole purpose of effecting compliance with this Agreement, and subject to the limitations contained within this Agreement, the Owners or their authorized agents and employees shall have an easement in and across that portion of the Street on each Lot or parcel subject to this Agreement.

5. Entry for Repairs. The Owners, collectively, and for the sole purpose of complying with this Agreement, may authorize their agents and employees to enter upon any Lot or parcel when necessary in connection with any maintenance or repairs for which the Owners are responsible, to effect emergency repairs or to effect necessary repairs which may be required by this Agreement. Such entry shall be made with as little inconvenience to the Owner as practicable and any damage caused thereby shall be repaired by the Owners at their expense. Except in case of an emergency, 24 hour advance notice of work shall be given to the Owner or occupant of any Lot or parcel subject to this Agreement.

6. Maintenance Costs. Each property owner agrees to bear and pay a percentage of the cost of maintenance and repair, as shall be equal to the total number of parcels having the benefit of use of any portion or all of the Street, as shall be determined by dividing the number of parcels owned by the said owner by the total number of parcels using said Street or portion thereof.

7. Damage. Each owner agrees that if they cause or allow said Street to be used in any manner which results in unusual wear or damage to the surface of said Street, they shall bear the costs and expenses of restoring said surface at their sole and sperate cost and expense.

8. Custodian of Funds. For the purposes of collecting and maintaining money for the maintenance and repair of said Street, the Owners, by majority vote of parcels, shall designate a custodian thereof.

9. Voting Rights. For any matters which require a vote pursuant to this Agreement, the following voting rights shall apply:

The owner or owners of each parcel of real property subject to this Agreement shall be entitled to one (1) vote, and any one (1) or more of the joint tenant or tenant-in-common owners of said property may cast the vote provided that, in the event of a dispute among owners of one parcel the majority shall be entitled to vote and, if no clear majority can be obtained, the parties shall lose their right to vote. In the event any party redivides, gives, sells, transfers, conveys or assigns any real property or portion thereof described in this Agreement so as to create an additional parcel or lot, separate and distinct of the parcels or lots as they exist as of the date of this Agreement, then a separate vote shall come into existence for that separate parcel or lot. For the purposes of this Agreement, the party who has fee title to said parcel or lot shall be entitled to vote, provided that if said party sells under contract of sale then they, by the said contract, may convey to the purchaser thereon the right to vote in this said Agreement.

10. Owners' Liability. The Owners do not agree to share any liability arising from personal injury or property damage other than that attributable to the repairs or maintenance undertaken pursuant to this Agreement.

11. Insurance. Each Owner shall be responsible for maintaining his or her own insurance, if any, applicable to the Street.

12. Personal Injury and Property Damage Liability. Each Owner agrees to bear liability in the same percentage as they share the costs of repair, as specified above, for any personal injury or property damage to (a) any worker employed to make repairs or do maintenance under this Agreement, or (b) any third person, which results from or arises out of maintenance or repairs under this Agreement.

13. Annual Meeting; Assessments. The Owners agree that they shall meet in a majority of at least once annually to decide on the maintenance and repairs to be made to the said Street, and to make and assess each property Owner under the method above provided for the maintenance and repair of said Street.

14. Disputes. In the event any dispute concerning the terms of this Agreement arises, it is agreed that each side shall appoint an arbitrator within fifteen (15) days of demand of any person, and within ten (10) days thereafter the arbitrators shall meet, and if they can agree, shall determine the solution, and such shall be binding upon all parties. In the event the arbitrators

cannot reach an agreement by virtue of the fact that they are of equal number, then they shall appoint an odd numbered arbitrator and the decision of the majority shall be made within thirty (30) days of the initial demand, and such shall be binding upon all parties.

15. Term. This Agreement shall be effective for the period commencing with the date of recordation hereof, and shall continue in full force and effect for a period of thirty years and, unless revoked or modified by the majority vote of the parties, as prescribed below, shall automatically be renewed for a ten year period from each termination date.

16. Headings. The headings used in this Agreement are for convenience only and are not to be used to interpret the meaning of any of the provisions of this Agreement.

17. This Agreement is intended to constitute mutual equitable covenants and servitudes for the protection and benefit of the property subject to this Declaration which shall be binding upon the heirs, devisees, successors and assignees of the parties hereto.

IN WITNESS WHEREOF, Declarant has executed this Declaration.

Dated: March 24, 1992.

VINEWEST DEVELOPMENT, a
California Partnership

By: J. Jeffrey Kirst
J. JEFFREY KIRST, Partner

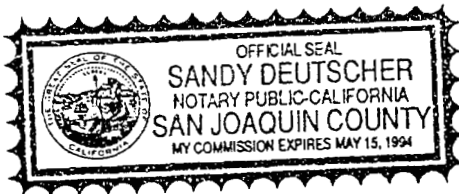
By: Lowell B. Flemmer
LOWELL B. FLEMMER, Partner

92038076

STATE OF CALIFORNIA)
) SS.
COUNTY OF SAN JOAQUIN)

On MARCH 26, 1992, before me, the undersigned, a Notary Public in and for said County and State, personally appeared J. JEFFREY KIRST & LOWELL B. FLEMMER, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument as the partnerS of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.



Sandy Deutscher
NOTARY PUBLIC

SANDY DEUTSCHER
NAME (typed or printed)

92038076

EXHIBIT "A"

All that certain real property situated in the City of Lodi, County of San Joaquin, State of California, more particularly described as follows:

Lots 10 through 14, inclusive, as shown on that certain map entitled "Tract 2531, Alder Place" filed in the Office of the San Joaquin County Recorder on February 25, 1992, in Book 31, at Page 32.

92038076

EXHIBIT "B"

All that certain real property situated in the City of Lodi, County of San Joaquin, State of California, more particularly described as follows:

That portion of Lots 10 through 14, described as Easement C as shown on that certain map entitled "Tract 2531, Alder Place". Filed in the office of the San Joaquin County Recorded on February 25, 1992, in Book 31, at Page 32.

VINEWEST DEVELOPMENT

A GENERAL PARTNERSHIP

18826 N. Lower Sacramento Rd. Suite G
Woodbridge, CA 95258
PHONE 209-334-0670
FAX 209-334-1210

Mailing Address:

P.O. Box 1259
Woodbridge, CA 95258

July 19, 1996

Mr. Bart Butler
Chief Financial Officer
Lodi Memorial Hospital
P.O. Box 3004
Lodi, CA 95241

Re: Slurry Seal application to Alder Place

Dear Mr. Butler:

As per our conversation yesterday, based on your approval, I have authorized and paid California Pavement Maintenance Co. Inc. to slurry seal the Hospital's one half of Alder Place court which is on the easterly boundary of Lodi Memorial West's property in conjunction with sealing the half of the street belonging to Alder Place subdivision. Baumbach & Piazza Inc. estimated the entire asphalt area to be approximately 25,000 square feet. California pavement charged \$.12 / square foot.

I was able to get this company to "tag on" to the City of Lodi's slurry seal program. This meant almost 1/2 off of the normal cost to contract with a pavement sealing company since all of their equipment was already in the area. This particular method (slurry sealing) is the best method of street sealing and asphalt maintenance since it adds "fines" (or fine grains of sand and gravel) back into the surface, as well as filling all the cracks that have developed.

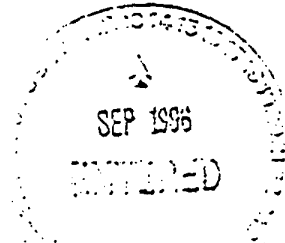
I also was able to get the street cleaned with a vacuum broom machine for the cost of \$43.50 in cottage bakery coffee cakes instead of the estimated rental cost of \$400.00. I personally spent over one and one half hours removing weeds that were on the Hospital's property between the pavement and the curb so that a complete seal could be made and reduce future weeds.

As you know the Hospital shares responsibility of the streets maintenance with the owners of the various lots on the east side of the street. Since the street pavement is over twenty years old it is in dire need of maintenance or in a very few years there would be a major expense in completely rebuilding the street to maintain its serviceability.

I have enclosed a copy of an invoice from California Pavement Maintenance in the amount of \$3,000.00. I ask for nothing for my time, but to be reimbursed for 1/2 of the above invoice and 1/2 of the cottage bakery cost of \$43.50.

This amount would total \$1,521.75 to be made payable to Vinewest Development.

Sharon
Ask me.
Bart



36

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Finally, I would like to make you aware that last summer I had a landscaper plant shrubs in the large round planter located at the intersection of Vine Street and Alder Place. I contacted your maintenance supervisor "Tak" and let him know that I had done the planting and that I would stub an irrigation pipe to your property behind the sidewalk if he would connect it to the lawn sprinkler system along Vine Street. He said he would, but must have forgotten as the plants are now dead or are dying.

It would enhance your property and the area to have that planter maintained and I would again pay for re-landscaping if your maintenance people would complete the irrigation line as well as take care of weeding as needed. This is a small planter, about ten foot in diameter. Please let me know if you have interest in improving it.

Sincerely



J. Jeffrey Kirst

cc: Joe Harrington